

# **EXHIBIT 1**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

NADIYA WILLIAMS-BOLDWARE, )  
)  
Plaintiff, ) CIVIL ACTION  
)  
VS. ) NO.:  
) 4:17-CV-00859-ALM-KPJ  
DENTON COUNTY, TEXAS, )  
)  
Defendant. )

-----  
ORAL AND VIDEOTAPED DEPOSITION OF  
NADIYA WILLIAMS-BOLDWARE  
JUNE 19, 2018  
-----

ORAL AND VIDEOTAPED DEPOSITION OF NADIYA  
WILLIAMS-BOLDWARE, produced as a witness at the instance  
of the DEFENDANT, and duly sworn, was taken in the  
above-styled and numbered cause on June 19, 2018, from  
9:51 a.m. to 6:01 p.m., before Claudia White, CSR in and  
for the State of Texas, reported by machine shorthand,  
at the law offices of Chris Raesz, P.C., 306 North  
Carroll Boulevard, Denton, Texas, pursuant to the  
Federal Rules of Civil Procedure.

No. 2915194

Page 1

|    |  |   |
|----|--|---|
| 1  | APPEARANCES  | for Ms. Boldware 6/25/10.....205                          |
| 2  |  | 4   |
| 3  | FOR THE PLAINTIFF:                                 | 1 Exhibit 21 Denton County Performance Evaluation         |
| 4  | Mr. Chris Raesz, Esq.                              | for Ms. Boldware 6/25/14.....209                          |
|    | CHRIS RAESZ, P.C.                                  | 2 Exhibit 22 Email from J.Beck to District                |
| 5  | 306 North Carroll Boulevard                        | Attorney 12/8/15.....214                                  |
|    | Denton, Texas 76201                                | 3 Exhibit 23 Email from J.Beck to District                |
| 6  | (940) 380-9505                                     | Attorney 12/10/15.....217                                 |
|    | office@chrisraeszpc.com                            | 4 Exhibit 24 Plaintiff's Response to Defendant's          |
| 7  |  | First Set of Interrogatories.....222                      |
| 8  | FOR THE DEFENDANT:                                 | 5 Exhibit 25 Email from J.Beck to District                |
| 9  | Mr. Hunter Johnson, Esq.                           | Attorney 12/22/15.....228                                 |
|    | CONSTANGY, BROOKS, SMITH & PROPHETE, LLP           | 6 Exhibit 26 Email from J.Beck to District                |
| 10 | 1201 Elm Street                                    | Attorney 12/31/15 .....231                                |
|    | Suite 2550   | 7 Exhibit 27 Email from T.Powers to J.Beck                |
| 11 | Dallas, Texas 75270                                | 1/15/14.....233   |
|    | (214) 646-8625                                     | 8 Exhibit 28 Email from K.Kidd to K.Lowe 2/12/14....236   |
| 12 | hjohnson@constangy.com                             | Exhibit 29 Email from M.Dickens to K.Kidd                 |
| 13 |  | 10/13/15.....240  |
| 14 | THE VIDEOGRAPHER:                                  | Exhibit 30 Email from J.Beck to District                  |
|    | Mr. Brian Primavera, Videographer                  | Attorneys 11/2016.....252                                 |
| 15 | VERITEXT LEGAL SOLUTIONS                           | Exhibit 31 Email from J.Beck to District                  |
|    | Veritext Registration No. 571                      | Attorneys 11/2016.....259                                 |
| 16 | 300 Throckmorton, Suite 1600                       | Exhibit 32 Online Application for Collin County           |
|    | Fort Worth, Texas 76102                            | 8/2009.....277  |
| 17 | (817) 336-3042                                     | Exhibit 33 Job Application for Collin County              |
| 18 |  | 10/3/11.....277   |
| 19 | ALSO PRESENT:                                      | Exhibit 34 Job Application to Collin County               |
|    | Mr. Paul Johnson                                   | 1/25/16.....277   |
| 20 | Ms. Jamie Beck                                     | Exhibit 35 Job Application to Collin County               |
| 21 |  | 12/4/17.....278   |
| 22 |  | Exhibit 36 Disclosure Responses of Ms. Boldware...282     |
| 23 |  | 16 Exhibit 37 Expert Disclosures.....299                  |
| 24 |  | Exhibit 38 Denton County Salary History for               |
| 25 |  | Paul Hiemke.....302                                       |
|    |  | 17  |
|    |  | 18 REQUESTED DOCUMENTS/INFORMATION                        |
|    |  | 19 NO. DESCRIPTION PAGE                                   |
|    |  | 20 NONE .....   |
|    |  | 21  |
|    |  | 22 CERTIFIED QUESTIONS                                    |
|    |  | 23 NO. PAGE/LINE  |
|    |  | 24 NONE .....   |
|    |  | 25  |
|    | Page 2   | Page 4  |
| 1  | INDEX  | 1 THE VIDEOGRAPHER: We are on the record at               |
|    | PAGE   | 2 9:55. Today is June 19th, 2018. This is the videotaped  |
| 2  | Appearances..... 2                                 | 3 deposition of Nadiya Boldware. This is the beginning of |
| 3  |  | 4 Tape 1, Volume 1.                                       |
| 4  | NADIYA WILLIAMS-BOLDWARE                           | 5 Will Counsel please state their appearances             |
| 5  | EXAMINATION BY MR. JOHNSON..... 5                  | 6 and any agreements for the record.                      |
| 6  | Changes and Signature..... 315                     | 7 MR. JOHNSON: Hunter Johnson for Defendant               |
|    | Reporter's Certificate..... 317                    | 8 Denton County.  |
| 7  |  | 9 MR. RAESZ: Chris Raesz for the Plaintiff.               |
| 8  |  | 10 THE VIDEOGRAPHER: Will the court reporter              |
|    | EXHIBITS   | 11 please swear in the witness.                           |
| 9  | Exhibit 1 Notice of Deposition..... 9              | 12 (Oath administered.)                                   |
|    | Exhibit 2 Plaintiff's Original Complaint..... 20   | 13 THE REPORTER: Will this be taken under the             |
| 10 | Exhibit 3 Testimony excerpted from transcript      | 14 Texas Rules of Civil Procedure?                        |
|    | from trial of Nadiya Williams..... 39              | 15 MR. JOHNSON: The Federal Rules of Civil                |
| 11 | Exhibit 4 Texas Workforce Charge of                | 16 Procedure.   |
|    | Discrimination.....105                             | 17 THE REPORTER: Oh, I'm so sorry. Yes,                   |
| 12 | Exhibit 5 Interview Notes of Angel Padilla.....109 | 18 thank you.   |
|    | Exhibit 6 Intake Questionnaire 7/2017.....114      | 19 MR. JOHNSON: Uh-huh.                                   |
| 13 | Exhibit 7 Fifth Circuit Opinion from prior         | 20 NADIYA WILLIAMS-BOLDWARE,                              |
|    | lawsuit.....119                                    | 21 having been first duly sworn, testified as follows:    |
| 14 | Exhibit 8 Denton County Salary History for         | 22 DIRECT EXAMINATION                                     |
|    | Nadiya Williams-Boldware.....138                   | 23 BY MR. JOHNSON:  |
| 15 | Exhibit 9 Email from J.Beck to N.Boldware          | 24 Q. Would you state your full name, please.             |
|    | 7/2012.....142                                     | 25 MR. RAESZ: Do you want to swear her in                 |
| 16 | Exhibit 10 Court Assignment Schedule.....146       |   |
|    | Exhibit 11 Email to the Office 9/27/13.....152     |   |
| 17 | Exhibit 12 Email from N.Boldware to J.Beck         |   |
|    | 7/17/14.....159                                    |   |
| 18 | Exhibit 13 Email from J.Beck to N.Boldware         |   |
|    | 7/16/14.....159                                    |   |
| 19 | Exhibit 14 Email from J.Beck to A.Sartin           |   |
|    | 7/16/14.....168                                    |   |
| 20 | Exhibit 15 Email from N.Boldware to J.Beck         |   |
|    | 6/30/14.....169                                    |   |
| 21 | Exhibit 16 Email from N.Boldware to J.Beck         |   |
|    | 1/25/16.....173                                    |   |
| 22 | Exhibit 17 Email from J.Beck to N.Boldware         |   |
|    | 1/29/16.....174                                    |   |
| 23 | Exhibit 18 Denton County Performance Evaluation    |   |
|    | for Ms. Boldware 7/11/07.....197                   |   |
| 24 | Exhibit 19 Denton County Performance Evaluation    |   |
|    | for Ms. Boldware 6/30/08.....203                   |   |
| 25 | Exhibit 20 Denton County Employee Evaluation       |   |
|    | Page 3   | Page 5  |

1 A. I am not.  
 2 Q. Have -- prior to, let's say, December of 2015,  
 3 have you ever gone to Paul Johnson specifically and  
 4 said, "Paul, I want a felony position"?  
 5 A. I have not.  
 6 Q. Prior to December of 2015, have you gone to  
 7 Paul Johnson and said, "Paul, I want a misdemeanor chief  
 8 position"?  
 9 A. I have not.  
 10 Q. Okay. Did I say misdemeanor chief correctly,  
 11 because is that what you're claiming that you should  
 12 have been promoted to in this case?  
 13 A. It is one of the opportunities that could have  
 14 been an option --  
 15 Q. Okay.  
 16 A. -- and never offered.  
 17 Q. And before -- let me digress for a second.  
 18 I'd like to know what job positions you  
 19 sought in general, not the specific.  
 20 So we have felony positions?  
 21 A. Yes, sir.  
 22 Q. We have misdemeanor chief or misdemeanor deputy  
 23 positions or -- you help me understand. Which ones of  
 24 those are you claiming you should have been given?  
 25 A. There -- I -- well, my first desire is

Page 26

1 definitely felony. There have been positions in our  
 2 division where the -- underneath the misdemeanor chief,  
 3 there's a felony [sic] chief position. Throughout the  
 4 course of my tenure in the office, I have never attained  
 5 a chief position, and that would be one of  
 6 consideration.  
 7 Q. Okay. I think you said felony. Did you mean  
 8 misdemeanor?  
 9 A. Misdemeanor.  
 10 Q. Underneath the misdemeanor chief, there's a  
 11 misdemeanor --  
 12 A. Yes, the deputy.  
 13 Q. Right. So you said felony. So what your  
 14 testimony is, is underneath the misdemeanor --  
 15 A. Misdemeanor.  
 16 Q. -- chief pos -- division chief position,  
 17 there's some deputy or chief positions, maybe like a  
 18 courtroom chief or something, and your contention is you  
 19 should have been promoted into those?  
 20 A. Yes, sir.  
 21 Q. Is that right? I just want to make sure I  
 22 understand what your claims are.  
 23 A. Yes, sir.  
 24 Q. Okay. So we've got felony -- I'm going to call  
 25 it misdemeanor chief; is that fair? I just want to make

Page 27

1 sure I'm using the right term. Okay. Is that right for  
 2 you? I want you to be comfortable with --  
 3 A. I think we're --  
 4 Q. -- this term, because --  
 5 A. I think we have a general understanding.  
 6 There's a little difference between the misdemeanor  
 7 chief and a deputy chief, because --  
 8 Q. Well, why don't you go ahead and explain that,  
 9 because I want to make sure we're -- we're all --  
 10 A. The --  
 11 Q. -- on the same page.  
 12 A. The misdemeanor chief is one that does the  
 13 dealy -- daily workings of one specific court with a set  
 14 of prosecutors.  
 15 Q. Uh-huh.  
 16 A. They consult that individual if there's an  
 17 issue with the plea or she's over -- he or she is  
 18 overseeing, like, trial -- you know, trial issues. They  
 19 could be the go-between if there's an issue in the court  
 20 or with the judge, and they need to go to their chief.  
 21 So that -- that one deals with the -- the daily  
 22 management of one specific court.  
 23 The deputy chief is almost -- I don't want  
 24 to say a hybrid, but it is a position where they're  
 25 dealing with supervising or dealing with misdemeanor

Page 28

1 issues, as well, but they've also been elevated to a  
 2 level -- level where they're dealing with felony --  
 3 felony DWIs and intake issues. So it's not just the  
 4 misdemeanor business of the division. It's a little bit  
 5 different.  
 6 Q. Okay. And so, I'm looking at a -- a court  
 7 assignment chart. I'm not going to use it as an exhibit  
 8 right now, but it says misdemeanor division. It says  
 9 division chief is Kristin Kidd. Is she the current  
 10 division chief?  
 11 A. Yes, she is.  
 12 Q. Okay. Are you contending you should have had  
 13 the division chief job that Kristin Kidd has?  
 14 A. No, that's not.  
 15 Q. Now then, there's the deputy misdemeanor chief,  
 16 and that is Emily Chiliv --  
 17 A. Chilivetis. I don't know if I said it  
 18 correctly.  
 19 MR. RAESZ: Chilivetis.  
 20 MS. JAMIE BECK: Chilivetis.  
 21 Q. (BY MR. JOHNSON) Thank you. Chilivetis.  
 22 She's the current deputy misdemeanor chief?  
 23 A. Yes, she is.  
 24 Q. Are you contending in this lawsuit that you  
 25 should have had her job as deputy misdemeanor chief?

Page 29

1 A. I could.  
 2 Q. Okay. And then -- now, in this chart, we have  
 3 the chart's broken out by courts, right? And then, in  
 4 that, you have various levels of attorneys. You have --  
 5 yeah. So you start out with Misdemeanor II prosecutor,  
 6 right?  
 7 A. (Witness nods.)  
 8 Q. And then you go to Misdemeanor I prosecutor.  
 9 And then you're -- are you claiming there's a courtroom  
 10 chief then, too?  
 11 A. There are courtroom chiefs that have been  
 12 promoted, or you can see their transition in our  
 13 office --  
 14 Q. Uh-huh.  
 15 A. -- that seems to have worked a lot of -- a lot  
 16 faster and more fluid than any transition that I seem to  
 17 be able to accomplish in our office.  
 18 Q. Okay.  
 19 A. But I -- I will -- okay.  
 20 MR. JOHNSON: Objection, nonresponsive.  
 21 Q. (BY MR. JOHNSON) What I'm trying to understand  
 22 is this word chief is -- I'm seeing it now on two or  
 23 three different positions, and I want to make sure we're  
 24 all on the same page.  
 25 I have chief of court, is a term. Is that

Page 30

1 the Misdemeanor I felony prosecutor for a particular  
 2 court?  
 3 A. No. You said felony prosecutor -- Misdemeanor  
 4 I felony prosecutor. It's Misdemeanor I misdemeanor  
 5 prosecutor.  
 6 Q. Right. Thank you.  
 7 And then the chief of court would be who?  
 8 A. It would --  
 9 Q. Be the Misdemeanor I?  
 10 A. I -- I almost need to get a piece of paper so I  
 11 can map it out.  
 12 The Misdemeanor I in that court is usually  
 13 a chief, and then any subordinates would be a II.  
 14 Q. Okay. So let me just -- let's just go to Judge  
 15 Couch [sic].  
 16 A. Crouch.  
 17 MR. RAESZ: Crouch.  
 18 Q. (BY MR. JOHNSON) Sorry, I didn't see the C.  
 19 The light is not great in here.  
 20 The -- he's a County Court Criminal No. 1,  
 21 right?  
 22 A. Yes, sir.  
 23 Q. And Zach Watson is a Misdemeanor II prosecutor?  
 24 A. I would have to look at the --  
 25 Q. Okay.

Page 31

1 A. -- flowchart to know --  
 2 Q. All right.  
 3 A. -- exactly where they all --  
 4 Q. How about Ali Horton?  
 5 A. She's a -- she's a II.  
 6 Q. And then how about Barrett Doran?  
 7 A. He's a chief I believe now.  
 8 Q. He's a Misdemeanor I chief of court?  
 9 A. Yes.  
 10 Q. All right. All right. So now that I think  
 11 I've got all these -- there are a lot of chief hats,  
 12 aren't there?  
 13 So now that -- so you're contending that  
 14 you have never been a chief of court?  
 15 A. That's correct.  
 16 Q. And that's one of your claims in this lawsuit?  
 17 A. That's correct.  
 18 Q. Now, you have been a Misdemeanor I, haven't  
 19 you?  
 20 A. I am currently.  
 21 Q. You're currently a Misdemeanor I?  
 22 A. That's correct.  
 23 Q. Now, do you remember -- I want to go way back  
 24 to my question.  
 25 Have you ever applied, specifically sent an

Page 32

1 email to Jamie or Paul or Kristin that says, "Hey,  
 2 Jamie, Paul or Kristin, I want to be a deputy  
 3 misdemeanor chief or a chief of court?"  
 4 A. No, I have not.  
 5 Q. Have you responded to a job posting by Jamie  
 6 primarily, or from possibly someone else, Kristin or  
 7 Paul, that says, "Hey, we've got this chief opening,"  
 8 and you -- have you ever responded to it saying, "Yes,  
 9 I'm interested or want to be considered for either the  
 10 chief of court or the deputy misdemeanor chief?"  
 11 A. No, I have not.  
 12 Q. Let's go back to paragraph 18 of the complaint.  
 13 Now, I guess I'm trying to understand why you're  
 14 inserting this allegation in your complaint.  
 15 Are you trying to show that you put Paul on  
 16 notice that you wanted to be promoted to a felony  
 17 prosecutor at some point in your career? Is that why  
 18 you're putting paragraph 18 in the complaint?  
 19 MR. RAESZ: Object to the form.  
 20 Q. (BY MR. JOHNSON) Or, if you don't know, that's  
 21 fine. Just say "I don't know," but --  
 22 A. Well, will you repeat your question so I can --  
 23 Q. Well, do you know whether or not you need to  
 24 show whether you sought out a position to prove your  
 25 failure-to-promote case? Do you even know whether or

Page 33

|   |   |
|---|---|
| <p>1 not you need to do that?</p> <p>2 A. I'm sorry, repeat your question.</p> <p>3 Q. Do you know whether or not you need to show</p> <p>4 that you sought a position to prove your</p> <p>5 failure-to-promote case?</p> <p>6 A. I know that I've sought many positions and were</p> <p>7 declined for those positions.</p> <p>8 Q. And that's not my question, so I guess your</p> <p>9 answer is, yes, I know that I need to seek the positions</p> <p>10 out?</p> <p>11 A. Yes, I have.</p> <p>12 Q. No. My question is, do you know whether or not</p> <p>13 you need to show that you sought a position in order to</p> <p>14 prove your case?</p> <p>15 A. Yes.</p> <p>16 Q. And we have certain emails that we've already</p> <p>17 talked about.</p> <p>18 Prior to December of 2015, what did you do</p> <p>19 to seek out the positions that you're complaining you</p> <p>20 did not obtain?</p> <p>21 A. Mo -- any -- I -- any position I've sought or</p> <p>22 desired was primarily through the office notifying us</p> <p>23 that this position was available, and I -- and then I</p> <p>24 then responded by email. So when I knew that a position</p> <p>25 was available, I responded --</p> <p style="text-align: right;">Page 34</p>  | <p>1 positions that I sought out were by email.</p> <p>2 Q. (BY MR. JOHNSON) So is it fair --</p> <p>3 So is it fair to assume that prior to July</p> <p>4 of 2014, you did not seek out any felony or misdemeanor</p> <p>5 chief positions with Denton County?</p> <p>6 A. I did not seek out any that I was notified of,</p> <p>7 no.</p> <p>8 Q. And since July of 2014, when you transferred to</p> <p>9 intake, again, your -- the way that you sought these</p> <p>10 positions was via an email?</p> <p>11 A. Yes.</p> <p>12 Q. And so either there's going to be an email or</p> <p>13 there's not, correct?</p> <p>14 A. That's correct.</p> <p>15 Q. Okay. And if there's not an email, then --</p> <p>16 well, as you sit here today, you've seen the emails. In</p> <p>17 fact, you just testified earlier you actually read</p> <p>18 through them in preparation for your deposition,</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. Are you aware of any other emails that you sent</p> <p>22 to Jamie that have not been produced in this lawsuit</p> <p>23 regarding your efforts to seek a promotion?</p> <p>24 A. I am not.</p> <p>25 Q. Okay. Again, I'm just trying to get an</p> <p style="text-align: right;">Page 36</p>   |
| <p>1 Q. Okay. That's fair enough.</p> <p>2 A. -- via email.</p> <p>3 Q. So I -- I've seen emails starting in December</p> <p>4 of 2015 coming forward. I haven't seen any emails prior</p> <p>5 to December of 2015. And you've already testified</p> <p>6 you're not aware of any, right?</p> <p>7 A. I -- I cannot think of any at this time, no.</p> <p>8 Q. Okay. So is it fair for me to conclude that,</p> <p>9 prior to December of 2015, you did not specifically seek</p> <p>10 out any felony or misdemeanor -- chief misdemeanor</p> <p>11 position?</p> <p>12 MR. RAESZ: Object to the form.</p> <p>13 Q. (BY MR. JOHNSON) Since we have not seen any</p> <p>14 emails -- or you're not aware of any emails?</p> <p>15 MR. RAESZ: Same objection.</p> <p>16 A. No, I'm not -- I'm not aware of any emails.</p> <p>17 Q. I want to repeat my question then.</p> <p>18 Is it fair for me to conclude that, prior</p> <p>19 to December of 2015, you did not specifically seek out</p> <p>20 any felony or misdemeanor chief positions?</p> <p>21 MR. RAESZ: I'm going to object to the</p> <p>22 form.</p> <p>23 A. As to July 2014 and when I took the demotion to</p> <p>24 move to intake, the positions that I sought out were</p> <p>25 noted by emails. Since July 2014 to the present, the</p> <p style="text-align: right;">Page 35</p> | <p>1 understanding of what's going on here. Okay? I'm not</p> <p>2 trying to trick you.</p> <p>3 So it's fair, then, that the emails that we</p> <p>4 have and that have been produced, you've read, we're</p> <p>5 going to go through them in a minute, are the ones where</p> <p>6 you sought the positions that you're complaining about?</p> <p>7 A. That's fair.</p> <p>8 Q. Now, I want to go back to this testimony about,</p> <p>9 "Ms. Boldware testified in the foregoing matter that it</p> <p>10 was and remained her desire to be a felony prosecutor."</p> <p>11 Do you remember what you actually testified</p> <p>12 to at trial?</p> <p>13 A. Not word for word, no.</p> <p>14 Q. Okay. I'm going to assume that somehow this</p> <p>15 has been put in your complaint to try to satisfy your</p> <p>16 burden of showing that -- that somehow you put Paul or</p> <p>17 Denton County on notice that you were seeking a felony</p> <p>18 position. Okay? Because that's the only reason I can</p> <p>19 think of why it would be stuck in there, so -- okay?</p> <p>20 Assume for me that's why that's pled.</p> <p>21 Do you understand what I'm saying?</p> <p>22 A. I can't -- I --</p> <p>23 Q. Well, do you know why it's in there? I guess</p> <p>24 what other reason would this paragraph 18 be pled?</p> <p>25 A. Because it shows that as an employee of Denton,</p> <p style="text-align: right;">Page 37</p> |

Nadiya Williams-Boldware - June 19, 2018

Job No. 2915194

|  |   |
|--|---|
| <p>1 I had and have -- curr -- I had and I currently have the<br/>2 intention of being a -- to moving forward. I don't want<br/>3 to stay stale in a position for the -- the entire<br/>4 duration of my career in Denton County.<br/>5 Q. I get -- I understand that.<br/>6 A. That would not be -- I mean, why -- why -- why<br/>7 would I have gone to law school and done all that work<br/>8 if I wanted to just stay where you started --<br/>9 Q. Yeah, I get that --<br/>10 A. -- and not have the opportunity to grow, so --<br/>11 Q. Right. Right. There's various ways of doing<br/>12 that, too, right?<br/>13 A. There are.<br/>14 Q. Uh-huh.<br/>15 MR. JOHNSON: Now, I'm want to go back and<br/>16 I'm going to object to the extent your answer wasn't<br/>17 responsive to my question.<br/>18 Q. (BY MR. JOHNSON) Do you remember what you<br/>19 testified to at trial --<br/>20 MR. RAESZ: Object to form.<br/>21 Q. (BY MR. JOHNSON) -- in relation to paragraph<br/>22 18?<br/>23 MR. RAESZ: Object to the form.<br/>24 A. I would not able to recite what I testified to,<br/>25 word for word --</p> <p style="text-align: right;">Page 38</p>   | <p>1 is -- you're on direct examination with your lawyer,<br/>2 Mr. Raesz, and he's talking with you. 107, line 7, it<br/>3 says, "We'll come back to the supervisor issue. Right<br/>4 now I'd like you to give the jury some idea of what the<br/>5 normal progression is from a beginning misdemeanor<br/>6 prosecutor to a felony position."<br/>7 Did I read that correctly?<br/>8 A. Yes.<br/>9 Q. And then you start answering questions about<br/>10 that, correct?<br/>11 A. Correct.<br/>12 Q. All right. I'm going to skip ahead. Let's go<br/>13 to page 108, and line 11. Chris asked you, "And then,<br/>14 at some point, do you move from a lower misdemeanor<br/>15 prosecutor to the chief position in the misdemeanor<br/>16 court?"<br/>17 Okay. Why don't you read your answer,<br/>18 starting at line 14.<br/>19 A. "Yes, sir. After people either have to leave<br/>20 and be transferred up the chain to felony court, do they<br/>21 go out on their own or do something different, but there<br/>22 is kind of a seniority type basis. You look -- look to<br/>23 see who's been there the longest, and those people<br/>24 rotate through being assigned to chief of court."<br/>25 Q. All right. And then he says, "At some point,</p> <p style="text-align: right;">Page 40</p> |
| <p>1 Q. (BY MR. JOHNSON) Okay.<br/>2 A. -- regarding trial.<br/>3 Q. All right. Well, guess what I found. I found<br/>4 your transcript.<br/>5 Do you remember when -- did you testify<br/>6 while your lawyer, Chris Raesz, was examining you?<br/>7 A. I wouldn't be able to recall who did what in<br/>8 that -- who was examining or cross-examining me at that<br/>9 time.<br/>10 (Exhibit 3 marked.)<br/>11 Q. (BY MR. JOHNSON) All right. Now, I'm going to<br/>12 show you Deposition Exhibit No. 3. All right. Now, I'm<br/>13 also going to show you -- this is the -- a copy that I<br/>14 obtained of your transcript. Page 1 shows the case<br/>15 style, civil action, Nadiya Williams.<br/>16 Does that look like the case trial on your<br/>17 first --<br/>18 A. That looks like it would be correct.<br/>19 Q. Okay. And I'll represent to you then, I have a<br/>20 bunch of pages of transcript. And what I'm handing to<br/>21 you is -- is page -- I don't know, pages 106 to 109 of<br/>22 your trial transcript. Okay?<br/>23 A. Okay.<br/>24 Q. If you would, go to -- so go to page 107. And<br/>25 I'm -- what I'm reading this is -- it looks like Chris</p> <p style="text-align: right;">Page 39</p> | <p>1 it would require a vacancy for someone to move from<br/>2 misdemeanor to felony," correct?<br/>3 A. Yes.<br/>4 Q. You answered, "Yes, sir."<br/>5 And then it say -- he asks, "Now, when you<br/>6 took the job initially at Denton County District<br/>7 Attorney's Office, it was -- it -- your intention to<br/>8 move through that track from the lower misdemeanor up to<br/>9 felony?"<br/>10 And what did you answer?<br/>11 A. "That was the career path that I had<br/>12 anticipated for myself, and that was the direction that<br/>13 I had planned on taking, yes."<br/>14 Q. Okay. Is that the testimony that you gave at<br/>15 trial that you're referring to in paragraph 18 of your<br/>16 complaint?<br/>17 A. It -- I believe it's the concept of, yes.<br/>18 Q. Okay. And then, actually, go to page 109.<br/>19 That's that. And then go to page 109, line 12, and<br/>20 answer that -- read that, your answer on that. It says,<br/>21 "I mean, that's definitely a lofty dream."<br/>22 A. "Lofty dream, but that -- I mean, that's the<br/>23 direction that you -- you head on. You come into<br/>24 misdemeanor -- at least I did. You go into misdemeanor.<br/>25 I wanted the supervisors to provide supervisory</p> <p style="text-align: right;">Page 41</p>            |

11 (Pages 38 - 41)

|  |  |
|--|--|
| <p>1 experience. I wanted to become a misdemeanor chief. I</p> <p>2 wanted to matriculate. I wanted to progress up the</p> <p>3 chain of advancement."</p> <p>4 Q. All right. Do you believe that's also the</p> <p>5 testimony that you gave in support of paragraph 18 of</p> <p>6 your complaint?</p> <p>7 MR. RAESZ: Object to the form.</p> <p>8 A. It -- it shows the concept of, yes, why I felt</p> <p>9 --</p> <p>10 Q. (BY MR. JOHNSON) As you look back on your</p> <p>11 testimony in that case, are you aware of anywhere else</p> <p>12 you testified as to this desire to be a felony</p> <p>13 prosecutor?</p> <p>14 A. As I stated before, I can't recall every detail</p> <p>15 of my testimony at that -- during the previous trial and</p> <p>16 the current.</p> <p>17 Q. I tell you what we'll do. I'm going to leave a</p> <p>18 blank in the deposition, and if you want to go back and</p> <p>19 review the transcript and supplement that, I'll give you</p> <p>20 the opportunity to do so. Okay?</p> <p>21 A. Thank you.</p> <p>22 Q. Where you can show that you said -- expressed a</p> <p>23 desire to be a felony prosecutor. Okay?</p> <p>24 A. Yes, sir.</p> <p>25 _____</p> <p style="text-align: right;">Page 42</p> | <p>1 A. I can't speculate as to what Paul Johnson did</p> <p>2 or did not know. I can just tell you that my position</p> <p>3 was put out there.</p> <p>4 Q. (BY MR. JOHNSON) Your position was put out</p> <p>5 there at trial?</p> <p>6 A. That --</p> <p>7 Q. Right.</p> <p>8 A. -- that was my -- my intention and my desire</p> <p>9 was to become a felony prosecutor. You work your way</p> <p>10 up.</p> <p>11 Q. Okay. So you -- and -- and -- and -- and if we</p> <p>12 were to go back and say how -- when did you put the</p> <p>13 company on -- Denton on notice that you wanted to be a</p> <p>14 felony prosecutor, you're going to say, well, it was</p> <p>15 during trial, this one time, right?</p> <p>16 A. I -- I believe it would be my position that</p> <p>17 walking into an office and understanding that there is a</p> <p>18 path to matriculate up the chain to the higher levels of</p> <p>19 prosecution, I would hope that any prosecutor that came</p> <p>20 into that office would have the same -- that dream, but</p> <p>21 I know that it was definitely mine.</p> <p>22 Q. Okay. I respect that. That was your -- and</p> <p>23 that's fine, that was your dream. But the -- Denton</p> <p>24 County doesn't -- is not -- doesn't have that structure.</p> <p>25 There's no policy that says you shall start out as a</p> <p style="text-align: right;">Page 44</p>  |
| <p>1 _____</p> <p>2 _____</p> <p>3 MR. JOHNSON: All right. Would you do that</p> <p>4 for me, Court Reporter?</p> <p>5 THE REPORTER: Yes.</p> <p>6 MR. JOHNSON: All right. Thank you.</p> <p>7 Q. (BY MR. JOHNSON) Now -- now, I want to go back</p> <p>8 to your complaint. In paragraph 18, it says you</p> <p>9 testified in the foregoing that it was and remained your</p> <p>10 desire to be a felony prosecutor, right?</p> <p>11 A. Yes.</p> <p>12 Q. I don't see the word remained in those</p> <p>13 paragraphs we just read. In fact, the way I read them,</p> <p>14 it all looks past tense. It's what I wanted to do, it</p> <p>15 was, it was, it was, right?</p> <p>16 A. Well --</p> <p>17 Q. Let me ask you, was the word "remained" in any</p> <p>18 of those sections we just reviewed in your trial</p> <p>19 testimony?</p> <p>20 A. No, sir.</p> <p>21 Q. And, again, are you trying to show -- by</p> <p>22 paragraph 18, are you trying to contend that somehow</p> <p>23 Paul Johnson left that trial knowing that you wanted to</p> <p>24 be a felony prosecutor?</p> <p>25 MR. RAESZ: Object to the form.</p> <p style="text-align: right;">Page 43</p>   | <p>1 misdemeanor and then work your way to a felony, right?</p> <p>2 There's no written policy on that?</p> <p>3 A. No, but I do believe that they do want to</p> <p>4 encompass an ability for minorities to work their way up</p> <p>5 and to find positions where they can have leader -- or</p> <p>6 experiences such as a chief or a leadership ability. I</p> <p>7 believe that in their -- their own company policies,</p> <p>8 they state that they look for -- they look at what the</p> <p>9 population of Denton County is, whether or not they're</p> <p>10 Indian or Asian or black, and they want those</p> <p>11 individuals to slowly advance or matriculate in their</p> <p>12 system. So I think that's a Denton County -- something</p> <p>13 that Denton seeks as a gold -- goal.</p> <p>14 MR. JOHNSON: I object to the answer after</p> <p>15 the word no, move to strike.</p> <p>16 Q. (BY MR. JOHNSON) My question is, you're not</p> <p>17 aware of a written practice of Denton County that --</p> <p>18 that says -- or policy that you -- if you start out as a</p> <p>19 misdemeanor, you will end up as a felony prosecutor, a</p> <p>20 written policy, are you?</p> <p>21 A. I am not aware of a written policy.</p> <p>22 Q. Okay. So as far as evidence of your seeking a</p> <p>23 position as a felony prosecutor, we have this trial</p> <p>24 testimony that we've covered, correct?</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 45</p> |



1 Q. All right. And then -- and then we have some  
 2 emails --  
 3 A. (Witness nods.)  
 4 Q. -- that you sent.  
 5 So when you testified at trial, and  
 6 assuming this testimony that we've identified is the  
 7 only time you talked about this desire, do you know  
 8 whether Paul Johnson was even in the courtroom at that  
 9 particular time?  
 10 A. I am not certain.  
 11 Q. Okay. Now -- well, he -- you know, you know  
 12 about the rule for excluding witnesses, correct? You  
 13 probably do that all the time --  
 14 A. Yes.  
 15 Q. -- in your practice, right?  
 16 Do you know that Paul was sitting in the  
 17 hallway when you testified?  
 18 A. No, I did not.  
 19 Q. Okay. You didn't see him in the -- well, you  
 20 didn't see him in the courtroom, right?  
 21 A. It wasn't --  
 22 Q. And he's sitting right here, right?  
 23 A. Yes.  
 24 Q. And you're familiar with who he is. So you  
 25 just don't remember whether or not he was even in the  
 Page 46

1 courtroom when you made this --  
 2 A. No, I do not.  
 3 Q. -- testimony? Okay.  
 4 Because I believe later on in the  
 5 complaint, you're -- you make some allegations that  
 6 somehow he's known all the time. But to the extent  
 7 you're making that allegation, that he's known all the  
 8 time of your desire, that's really just your opinion,  
 9 correct?  
 10 A. No, that's not correct.  
 11 Q. Okay. Well, let's turn to paragraph 29.  
 12 A. Paragraph --  
 13 Q. Paragraph 29, last sentence. Read it, please.  
 14 A. "At all times, Paul Johnson was aware of the  
 15 claims made by Plaintiff in her prior lawsuit and her  
 16 desire to be a felony prosecutor."  
 17 Q. Okay. What evidence do you have to support  
 18 that allegation?  
 19 A. That my position -- I have continued to seek  
 20 positions of higher -- higher levels of employment in  
 21 the office that entire time that we've -- the emails  
 22 that you've pointed out cover spans of time during --  
 23 previously mentioned.  
 24 Q. Okay. We're going to get to all those emails.  
 25 A. Okay.  
 Page 47

1 Q. And we -- I think we've already established  
 2 that those emails started in December of 2015.  
 3 MR. RAESZ: Object to the form.  
 4 Q. (BY MR. JOHNSON) The only reason -- and,  
 5 again, you read through them the other day. I mean, is  
 6 there -- am I wrong in saying that they're around 20 --  
 7 December of 2015?  
 8 A. That sounds right.  
 9 Q. Okay. So -- let me get off-track here.  
 10 So other than those emails, what evidence  
 11 do you have that Paul Johnson was aware of the claims  
 12 made by Plaintiff in her prior lawsuit and her desire to  
 13 be a felony prosecutor? That's really the key. What  
 14 other evidence do you have that -- to support your  
 15 allegation that, at all times, Paul Johnson was aware of  
 16 your desire to be a felony prosecutor?  
 17 A. When I interviewed with Paul, I told him then  
 18 and there I wanted to be the best prosecutor possible,  
 19 the best lawyer possible. So I think I came into that  
 20 office knowing and believing that -- I showed him the  
 21 same letter that I carried with me since I was a child,  
 22 and told him from the very point I was interviewed.  
 23 I -- I showed him that same letter in my interview that  
 24 day --  
 25 Q. Okay.  
 Page 48

1 A. -- of wanting to the best lawyer possible from  
 2 the -- from the start of this.  
 3 Q. All right. And that's commendable. But you  
 4 didn't use the word felony in that interview or in your  
 5 letter, did you?  
 6 A. No, I didn't.  
 7 Q. And you didn't use the word misdemeanor chief  
 8 in your letter or in your interview with -- with Paul,  
 9 did you?  
 10 A. No, I did not.  
 11 Q. All right. What other evidence do you have  
 12 that, at all times, Paul Johnson was aware of your  
 13 desire to be a felony prosecutor, other than the emails  
 14 that we're going to cover, this trial testimony, and  
 15 what you just testified about regarding your interview  
 16 and your letter?  
 17 A. Nothing that I can think of at this point.  
 18 Q. Now, you admit that when you interviewed with  
 19 Paul, that was in February of 2007?  
 20 A. Yes.  
 21 Q. That was 11 years ago?  
 22 A. Uh-huh.  
 23 Q. There's a lot that's happened between 2007 and  
 24 -- and June of 2018, right?  
 25 A. Yes.  
 Page 49

Nadiya Williams-Boldware - June 19, 2018

Job No. 2915194

|  |   |
|--|---|
| <p>1 A. Yes.</p> <p>2 Q. And then Sections 1981 and 1983 of the Civil</p> <p>3 Rights Act. I'm not sure -- so we've covered you're</p> <p>4 suing for race discrimination.</p> <p>5 Are you also suing for color? Because I</p> <p>6 didn't see it in your EEOC charge. Are you sure about</p> <p>7 -- I just want to make sure you're sure about that. Are</p> <p>8 you suing for color discrimination, or do you know?</p> <p>9 A. That I'm African-American or black? Yes.</p> <p>10 Q. Well, color is your skin color.</p> <p>11 A. Black, yes.</p> <p>12 Q. Okay. And then -- now, I haven't seen</p> <p>13 anything -- there's no harassment. I'm not sure if that</p> <p>14 was a typo. There's not harassment. It's a failure to</p> <p>15 promote, right?</p> <p>16 A. Failure to promote.</p> <p>17 Q. Okay. No harassment?</p> <p>18 A. No.</p> <p>19 Q. Okay. And then you're -- also on page 8 you're</p> <p>20 suing for retaliation and discrimination under state</p> <p>21 law, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And then on page 9 you're suing for retaliation</p> <p>24 and discrimination under federal law; is that right?</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 102</p>                         | <p>1 because I exercised my right to sue from the prior</p> <p>2 lawsuit.</p> <p>3 Q. Right. Treated differently in terms of</p> <p>4 promotions?</p> <p>5 A. Yes.</p> <p>6 Q. I haven't seen anything else, so I just want to</p> <p>7 make sure.</p> <p>8 A. Yes.</p> <p>9 Q. Is that fair?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Now -- so then as far as the protected</p> <p>12 activity, closed quote, that you engaged in that gave</p> <p>13 rise to your retaliation claim, it's the prior lawsuit?</p> <p>14 A. Yes.</p> <p>15 Q. Is there anything -- other protected activity</p> <p>16 that you claim you engaged in that they're retaliating</p> <p>17 against you?</p> <p>18 A. No.</p> <p>19 Q. Okay. And as far as the positions that you</p> <p>20 claim you were unlawfully denied, I got off -- we have</p> <p>21 felony, we have misdemeanor chief, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And then there's this civil position that you</p> <p>24 applied for. Are you now claiming that you were</p> <p>25 unlawfully denied a civil position?</p> <p style="text-align: right;">Page 104</p>  |
| <p>1 Q. Now, I think I got off track. I wanted to --</p> <p>2 so if I can just summarize that you're suing for Title</p> <p>3 VII discrimination for failure to promote under federal</p> <p>4 law and then under the Texas Labor Code; is that</p> <p>5 correct? Discrimination under federal and state law for</p> <p>6 failing to promote you? I'm not trying to trick you,</p> <p>7 I'm just trying to --</p> <p>8 A. Yes, sir, I'm just trying to make sure that I</p> <p>9 --</p> <p>10 Q. Look up -- just look up at me.</p> <p>11 A. I'm --</p> <p>12 Q. You're suing for discrimination under state and</p> <p>13 federal law because you're contending in this case that</p> <p>14 Denton County has not promoted you?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Right?</p> <p>17 Okay. And the second claim is that you're</p> <p>18 claiming they retaliated against you by not promoting</p> <p>19 you?</p> <p>20 A. Retaliation as -- retaliation in regards to</p> <p>21 because I was part of or the subject of the prior</p> <p>22 lawsuit --</p> <p>23 Q. Uh-huh.</p> <p>24 A. -- I am, therefore, treated differently as a</p> <p>25 subject to be picked out or looked upon differently</p> <p style="text-align: right;">Page 103</p> | <p>1 A. I -- I went out, interviewed, and I -- they</p> <p>2 decided to pursue someone else.</p> <p>3 Q. Uh-huh. So we have felony, civil, and</p> <p>4 misdemeanor chief. Are there any other positions within</p> <p>5 Denton County that you claim you should have been</p> <p>6 promoted into other than felony, civil, and misdemeanor</p> <p>7 chief?</p> <p>8 A. No.</p> <p>9 Q. And we've already covered, you never applied</p> <p>10 for a misdemeanor chief position -- specifically applied</p> <p>11 for a misdemeanor chief position?</p> <p>12 A. No, I did not.</p> <p>13 (Exhibit 4 marked.)</p> <p>14 Q. (BY MR. JOHNSON) Let me show you what's been</p> <p>15 marked as Deposition Exhibit 4. Can you identify that?</p> <p>16 A. Texas Workforce Charge of Discrimination.</p> <p>17 Q. Uh-huh. Is this your charge of discrimination</p> <p>18 that you filed in this lawsuit?</p> <p>19 A. Yes.</p> <p>20 Q. Is it a true and correct copy of the charge?</p> <p>21 A. Yes.</p> <p>22 Q. Is that your signature at the bottom left-hand</p> <p>23 corner? Is that a copy of your signature?</p> <p>24 A. Yes.</p> <p>25 Q. And is it dated -- you signed this charge on</p> <p style="text-align: right;">Page 105</p> |

27 (Pages 102 - 105)

|  |   |
|--|---|
| <p>1 July 3rd of 2017?</p> <p>2 A. Yes.</p> <p>3 Q. And does --</p> <p>4 MR. RAESZ: Is this the complete document?</p> <p>5 MR. JOHNSON: It's the complete charge, as</p> <p>6 far as I can tell.</p> <p>7 MR. RAESZ: Because there was a narrative</p> <p>8 that was --</p> <p>9 MR. JOHNSON: Object to the sidebar. But</p> <p>10 if you want to go off the record for a second.</p> <p>11 MR. RAESZ: No, I'm just -- there was a</p> <p>12 narrative --</p> <p>13 MR. JOHNSON: Do you want to go off?</p> <p>14 THE VIDEOGRAPHER: Off the record at 12:09.</p> <p>15 (Break taken from 12:09 p.m. to 12:10 p.m.)</p> <p>16 THE VIDEOGRAPHER: Back on the record at</p> <p>17 12:10.</p> <p>18 Q. (BY MR. JOHNSON) All right. So let's go -- I</p> <p>19 want to review Exhibit 4, your -- your EEOC charge.</p> <p>20 So in the discrimination based on -- see</p> <p>21 those boxes that are checked?</p> <p>22 A. Yes.</p> <p>23 Q. Do you see you checked race, correct?</p> <p>24 A. Yes.</p> <p>25 Q. You checked retaliation?</p> <p style="text-align: right;">Page 106</p>  | <p>1 position that I applied for."</p> <p>2 Q. Okay. All right. And do you believe that</p> <p>3 accurately summarizes your charge of discrimination?</p> <p>4 A. It's a summary, yes.</p> <p>5 Q. Okay. You don't believe -- is it accurate?</p> <p>6 A. No, because I've already seen errors.</p> <p>7 Q. What are the errors?</p> <p>8 A. The summary that was attached to this has an</p> <p>9 error as -- as recorded by Angel Padilla.</p> <p>10 Q. All right. Okay. What else? What other</p> <p>11 errors?</p> <p>12 A. And the dates of discrimination took place</p> <p>13 January -- or January 3rd, 2017, through the latest of</p> <p>14 1/3/2017.</p> <p>15 Q. Well, how does that need to be corrected?</p> <p>16 A. Because it needs to stretch further back into</p> <p>17 the re -- the dates of application.</p> <p>18 Q. What would that be?</p> <p>19 A. The -- I would have to look back on the emails</p> <p>20 submitted in --</p> <p>21 Q. Well, I think we --</p> <p>22 A. -- discovery.</p> <p>23 Q. -- we talked about that they were around</p> <p>24 December of 2015, correct?</p> <p>25 A. Yeah.</p> <p style="text-align: right;">Page 108</p> |
| <p>1 A. Yes.</p> <p>2 Q. You did not check color, did you?</p> <p>3 A. No.</p> <p>4 Q. Okay. And then go to the next box, dates</p> <p>5 discrimination took place. And what did you write? The</p> <p>6 earliest date was what? Read that out.</p> <p>7 A. On or about September 2016.</p> <p>8 Q. No. Go over -- you're in the wrong box.</p> <p>9 A. Okay.</p> <p>10 Q. Up here, in the box up here, the dates</p> <p>11 discrimination took place, right here.</p> <p>12 A. January 3rd, 2017.</p> <p>13 Q. Uh-huh. That's the earliest date that you</p> <p>14 claim, in that box, that discrimination occurred, right?</p> <p>15 A. Yes.</p> <p>16 Q. All right. And the latest date that you claim</p> <p>17 discrimination took place was January 3rd, 2017,</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. All right. So let's go down now, the</p> <p>21 particulars. And -- yeah, you can read that. It says</p> <p>22 -- go ahead and read the on or about.</p> <p>23 A. "On or about September 2016, I applied for</p> <p>24 multiple positions for assistant district attorney</p> <p>25 office. On or about January 3rd, 2017, I was denied any</p> <p style="text-align: right;">Page 107</p> | <p>1 Q. Okay. But not before then?</p> <p>2 A. That's correct.</p> <p>3 MR. JOHNSON: Okay. That was 4?</p> <p>4 (Exhibit 5 marked.)</p> <p>5 Q. (BY MR. JOHNSON) Deposition Exhibit 5. Now,</p> <p>6 is this the interview notes that you just referred to</p> <p>7 where Angel Padilla interviewed you?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Now, let's -- let's just kind of recap.</p> <p>10 So you went to the EEOC in June of 2017?</p> <p>11 A. Yes.</p> <p>12 Q. And you did not file a charge of discrimination</p> <p>13 in June of 2017, did you?</p> <p>14 A. June of 20 --</p> <p>15 Q. Your July -- your charge is July.</p> <p>16 A. July, yes.</p> <p>17 Q. Right. You were interviewed by Angel?</p> <p>18 A. Yes.</p> <p>19 Q. You decided at that point that you didn't want</p> <p>20 to file a charge of discrimination --</p> <p>21 A. I --</p> <p>22 Q. -- correct?</p> <p>23 A. I asked -- he told me that I had an opportunity</p> <p>24 to think about it.</p> <p>25 Q. Uh-huh. And you said, I'm going to think about</p> <p style="text-align: right;">Page 109</p>  |

1 it?  
 2 A. Yes.  
 3 Q. And then you came back in July and filed the  
 4 charge that is Exhibit 4?  
 5 A. Yes.  
 6 Q. Uh-huh. Now, you have not filed any other  
 7 charges of discrimination against Denton County since  
 8 that July filing, have you?  
 9 A. When --  
 10 Q. I'm talking about filing, not -- have you filed  
 11 any charges of discrimination against the county since  
 12 July of 2017?  
 13 A. July --  
 14 Q. Yes or no?  
 15 A. No.  
 16 Q. Okay. Let's go back to Exhibit 5. Now, this  
 17 already -- these are the interview -- are these the  
 18 interview notes where you sat down with -- is Angel a --  
 19 he's a male?  
 20 A. Yes.  
 21 Q. Okay. Mr. Padilla, these are his notes of his  
 22 interview of you; is that correct?  
 23 A. Yes.  
 24 Q. All right. Where are the errors in these  
 25 interview notes?

Page 110

1 A. Can I --  
 2 Q. I mean, I can tell you one in March -- it says  
 3 March 4 you returned to work from leave, but --  
 4 A. Yeah.  
 5 Q. -- that's not true, because you returned in  
 6 September or October of '13, right? I'll give you that  
 7 one.  
 8 A. I -- a line that I don't understand how it's in  
 9 there is, "PCP said that her supervisor wanted to move  
 10 her to Child Protective Services and she asked to stay  
 11 in her current position."  
 12 I -- I don't know how or what, in all  
 13 honesty, that means.  
 14 Q. All right. So you don't -- all right. That  
 15 may not be accurate; is that --  
 16 A. Yeah. I don't --  
 17 Q. Okay. What else?  
 18 A. "The PCP said that her competence was  
 19 questioned by the judge in her first trial after  
 20 returning to work."  
 21 Q. What -- what about that?  
 22 A. Because it wasn't the -- it was the judge  
 23 asking Allison who's going to cover a hearing, and it  
 24 was Allison who, I believe, questioned. I felt she  
 25 overlooked the fact that I was her second chair, as

Page 111

1 explained in our prior -- previous question about Alice  
 2 -- Allison.  
 3 Q. Well, hold on. So is it your testimony -- so  
 4 the judge -- you -- you said you -- that it -- what it  
 5 reads is, "PCP said that her competence was questioned  
 6 by the judge in her first trial after returning to  
 7 work."  
 8 A. I felt -- no, it wasn't --  
 9 Q. Did the judge --  
 10 A. -- the judge.  
 11 Q. -- question your competence, yes or no?  
 12 A. No.  
 13 Q. If -- and it was -- if she did, it wasn't to  
 14 you?  
 15 A. It wasn't to me.  
 16 Q. Okay. Well, how did you do in that trial?  
 17 A. According to my supervisors, good.  
 18 Q. What exactly did Allison say?  
 19 A. You did a good job.  
 20 Q. Okay. And it's your testimony here today that  
 21 the judge did not question your competence at trial?  
 22 MR. RAESZ: Object to the form.  
 23 A. I -- I'm sorry, I lost part of your question in  
 24 the objection.  
 25 Q. (BY MR. JOHNSON) It's your testimony today

Page 112

1 that the judge -- that you do not believe the judge  
 2 questioned your competence?  
 3 MR. RAESZ: Object to the form.  
 4 A. Not to my knowledge.  
 5 Q. (BY MR. JOHNSON) Okay. All right. So what  
 6 else are you -- do you, as you read through this --  
 7 A. The -- in saying that I applied on January 3rd,  
 8 the -- the application or the notifying of the office  
 9 that I wanted to become that attorney actually happened  
 10 before January 3rd. It was January 3rd which the -- the  
 11 position became official, who was going to be assigned.  
 12 So any application or notification that I was interested  
 13 would have occurred before.  
 14 Q. Yeah. Okay. So that's when you found out that  
 15 Rachel Nichols had been --  
 16 A. Yes, that's when it --  
 17 Q. -- given a felony position that you're  
 18 complaining about in this case?  
 19 A. Yes.  
 20 Q. All right.  
 21 A. Okay.  
 22 Q. Have you pointed out all the instances where  
 23 you believe that those interview notes are incorrect?  
 24 Can you clarify?  
 25 A. Yes.

Page 113

|  |  |
|--|--|
| <p>1 Q. So you -- you -- well, her [sic] notes that say<br/> 2 you applied for three positions to become a felony chief<br/> 3 is accurate? PCP said that she was -- has applied for<br/> 4 at least three -- three positions to become a felony<br/> 5 chief?<br/> 6 A. Three felony positions.<br/> 7 Q. Uh-huh. All right. So, again, I don't see<br/> 8 anything about a civil position in here. So at least<br/> 9 you're not complaining to the EEOC Investigator Padilla<br/> 10 about not being given a civil position, are you?<br/> 11 A. I provided documentation to him of all the<br/> 12 positions I applied for, and that should have been<br/> 13 included in the documentation I provided to him when I<br/> 14 visited.<br/> 15 Q. Okay. Should that be in the EEOC file then?<br/> 16 A. Yes.<br/> 17 (Exhibit 6 marked.)<br/> 18 Q. (BY MR. JOHNSON) Let me show you Deposition<br/> 19 Exhibit No. 6. This looks like an -- an intake<br/> 20 questionnaire you filled out in July of 2017. Is that<br/> 21 true?<br/> 22 A. Yes.<br/> 23 Q. And is this your handwriting?<br/> 24 A. Yes.<br/> 25 Q. And is that your signature on the last page?</p> <p style="text-align: right;">Page 114</p> | <p>1 A. Yes.<br/> 2 Q. And then 6, it says, Why do you believe these<br/> 3 actions were discriminatory?<br/> 4 And you said, It is my belief that the<br/> 5 failure to advance in the Denton County DA office after<br/> 6 10 years is based on my race and previous litigation; is<br/> 7 that correct?<br/> 8 A. Yes.<br/> 9 Q. And then it says, What reasons were given? And<br/> 10 you said none?<br/> 11 A. Correct.<br/> 12 Q. So -- and you didn't know then and you don't<br/> 13 know now why -- what the reasons were for promotions<br/> 14 that you're complaining about in this case, do you?<br/> 15 A. No.<br/> 16 Q. And if you don't know what the reasons are, you<br/> 17 don't know if they're legitimate or not, do you?<br/> 18 A. I stated --<br/> 19 MR. RAESZ: Object to the form.<br/> 20 Q. (BY MR. JOHNSON) I'm sorry?<br/> 21 A. I stated there are no reason -- no known<br/> 22 reasons.<br/> 23 Q. (BY MR. JOHNSON) And if you don't know what<br/> 24 the reasons are, you don't know if they're true or false<br/> 25 reason then, do you?</p> <p style="text-align: right;">Page 116</p>  |
| <p>1 A. Yes.<br/> 2 Q. Actually, it looks like you filled this out in<br/> 3 June of 2017; is that right?<br/> 4 A. Yes.<br/> 5 Q. And this is a true and correct copy of your --<br/> 6 A. Yes.<br/> 7 Q. So turn to page 2. Item 4, there are boxes<br/> 8 that you can check?<br/> 9 A. Yes.<br/> 10 Q. Okay. You checked race?<br/> 11 A. Yes.<br/> 12 Q. You checked retaliation?<br/> 13 A. Yes.<br/> 14 Q. You did not check color?<br/> 15 A. That's correct.<br/> 16 Q. And it says even after that, typically a<br/> 17 difference in skin -- skin shade within the same race?<br/> 18 A. Where are we looking, I'm sorry?<br/> 19 Q. Okay. Then go to 5A. It says, What happened<br/> 20 to you that you believe was discriminatory?<br/> 21 And you said, The date was January 3rd of<br/> 22 2017, and the action was failure to promote, correct?<br/> 23 A. Yes.<br/> 24 Q. And you said Paul Johnson was the person<br/> 25 responsible?</p> <p style="text-align: right;">Page 115</p>  | <p>1 MR. RAESZ: Object to form.<br/> 2 A. I don't know what the reasons are.<br/> 3 Q. (BY MR. JOHNSON) Right. So you don't know if<br/> 4 they're true or false then, do you?<br/> 5 MR. RAESZ: Object to the form.<br/> 6 A. I don't know what the reasons are.<br/> 7 Q. (BY MR. JOHNSON) Okay. My answer [sic] is yes<br/> 8 or no. You don't know, then, if the reasons are true or<br/> 9 false, do you? Yes or no.<br/> 10 A. I do not know if the answers are true or false.<br/> 11 Q. Okay. Let's go to number 8. Describe who was<br/> 12 similarly situated as you, right? And then you have<br/> 13 like -- if you go to 8, then you have some blanks to<br/> 14 fill in, and you identified Paul Hiemke --<br/> 15 A. Uh-huh.<br/> 16 Q. -- is that right?<br/> 17 And Rachel Nichols?<br/> 18 A. Yes.<br/> 19 Q. Okay. And those are the only two people you<br/> 20 identified in your EEOC charge as being similarly<br/> 21 situated, that were better treated; is that correct?<br/> 22 A. Yes.<br/> 23 Q. And as far as the -- all right.<br/> 24 So you didn't list Linda Puckett in this<br/> 25 intake questionnaire, did you?</p> <p style="text-align: right;">Page 117</p> |

|   |   |
|---|---|
| <p>1 Q. (BY MR. JOHNSON) Why would he hire you knowing<br/> 2 your race and skin color just to not promote you?<br/> 3 MR. RAESZ: Object to the form.<br/> 4 Q. (BY MR. JOHNSON) Do you have an explanation<br/> 5 for that?<br/> 6 A. I -- I don't know the interworkings of his<br/> 7 mind.<br/> 8 Q. Okay. It doesn't make sense, does it? It<br/> 9 doesn't to me. I'm just curious if --<br/> 10 A. If -- well, racism doesn't make sense, so I<br/> 11 don't know the interworkings of his mind.<br/> 12 Q. Well, if he was a racist, why would he approve<br/> 13 your hiring in the first place? That's my point.<br/> 14 MR. RAESZ: Object to the form.<br/> 15 Q. (BY MR. JOHNSON) Are you claiming that Paul is<br/> 16 a racist?<br/> 17 A. I don't know the interworkings of his mind.<br/> 18 Q. He has never once said anything negative about<br/> 19 your skin color, has he?<br/> 20 A. Not to my face.<br/> 21 Q. To your knowledge?<br/> 22 Well, has he said it to anybody else?<br/> 23 A. I don't -- wouldn't know.<br/> 24 Q. All right. You don't have any evidence that<br/> 25 he's ever said anything about your race to anybody?</p> <p style="text-align: right;">Page 134</p>     | <p>1 A. That wasn't the question.<br/> 2 Q. (BY MR. JOHNSON) Well, I know. I'm trying to<br/> 3 find -- oh, he was retaliate -- that shows that he was<br/> 4 retaliating against you because of your lawsuit?<br/> 5 A. No. It shows that he identified with them. If<br/> 6 he's apologizing --<br/> 7 Q. Okay.<br/> 8 A. -- for having to fire them, maybe he identified<br/> 9 with them or their activity or -- I don't know why he<br/> 10 would apologize.<br/> 11 Q. Okay. But that's just your guess as to why he<br/> 12 was apologizing, true?<br/> 13 MR. RAESZ: Object to the form.<br/> 14 A. I would not know.<br/> 15 Q. (BY MR. JOHNSON) But it very well could have<br/> 16 been because they're four people who have given their<br/> 17 life to the county that he's having to fire, right?<br/> 18 That could have been another reason?<br/> 19 MR. RAESZ: Object to the form.<br/> 20 A. I would not know.<br/> 21 Q. (BY MR. JOHNSON) For claims that you brought<br/> 22 that were ultimately not unlawful?<br/> 23 MR. RAESZ: Object to the form.<br/> 24 Q. (BY MR. JOHNSON) So you started with Denton<br/> 25 County on February 28th of 2007, didn't you?</p> <p style="text-align: right;">Page 136</p> |
| <p>1 A. I would not know that.<br/> 2 Q. Certainly hasn't said it to your face, has he?<br/> 3 A. No, he has not.<br/> 4 Q. And so you have no proof of that?<br/> 5 A. No, I do not.<br/> 6 Q. All right. Do you have any proof that Paul has<br/> 7 ever said anything negative to you about your prior<br/> 8 lawsuit that you lost?<br/> 9 A. I believe while he was firing the Piel -- the<br/> 10 -- the individuals involved in the last, that he<br/> 11 apologized to them for having to do so. I don't know if<br/> 12 it's true or not.<br/> 13 Q. They had worked for him for years, right?<br/> 14 A. And so did I.<br/> 15 Q. Do you think he had --<br/> 16 A. So -- so did I.<br/> 17 Q. -- so he's like, fire you, bastard, you know.<br/> 18 And, in fact, he probably -- according to the Fifth<br/> 19 Circuit, he didn't need to fire them?<br/> 20 MR. RAESZ: Object to the form.<br/> 21 A. Well, then he's not a good decisionmaker?<br/> 22 Q. (BY MR. JOHNSON) So you're saying because he<br/> 23 said, Hey, I'm sorry, but I'm going to have to fire you<br/> 24 that shows that he's a racist?<br/> 25 MR. RAESZ: Object to the form.</p> <p style="text-align: right;">Page 135</p> | <p>1 A. Yes.<br/> 2 Q. I'm want to ask you about a few people. Sherry<br/> 3 Wolf, she's been your supervisor?<br/> 4 A. Yes.<br/> 5 Q. And did she supervise you at -- was she your<br/> 6 supervisor at CPS?<br/> 7 A. Uh, yes.<br/> 8 Q. And over you?<br/> 9 A. Yes.<br/> 10 Q. And she's now a supervisor over you at intake?<br/> 11 A. Correct.<br/> 12 Q. All right. Is one of the reasons you moved to<br/> 13 intake because she had moved over there?<br/> 14 A. I -- I continued in CPS even after she moved.<br/> 15 The position became available later, and I took it.<br/> 16 Q. But you liked working for her?<br/> 17 A. She's -- she's -- yeah, she's fine.<br/> 18 Q. You'd rather work for her than Karin?<br/> 19 A. Sure.<br/> 20 Q. And was Sherry involved in your prior lawsuit<br/> 21 you lost, to your knowledge?<br/> 22 A. Not -- not to my knowledge. I can't think of<br/> 23 her involvement.<br/> 24 Q. Has she ever said anything negative about your<br/> 25 race, color or prior lawsuit?</p> <p style="text-align: right;">Page 137</p>  |



|   |  |
|---|--|
| <p>1 on their bench, right? And Mr. Stewart -- Judge Stewart<br/> 2 was there?<br/> 3 A. Yes, all.<br/> 4 Q. Huh?<br/> 5 A. All the justices were there, yes.<br/> 6 Q. All right. And he's African-American?<br/> 7 A. Yes.<br/> 8 Q. And he wrote this opinion that you're upset<br/> 9 with?<br/> 10 A. Okay.<br/> 11 MR. RAESZ: Object to the form.<br/> 12 Q. (BY MR. JOHNSON) So you were pretty<br/> 13 well invest -- I mean, not only you tried the case, I<br/> 14 mean, you had won -- the jury gave you \$500,000, right?<br/> 15 A. Sure. Yes.<br/> 16 Q. Uh-huh. But then the court took a chunk of<br/> 17 that away, correct?<br/> 18 A. Okay.<br/> 19 Q. And then the Fifth Circuit took the rest of it<br/> 20 away?<br/> 21 A. Okay.<br/> 22 Q. That's part of why you were disappointed?<br/> 23 A. No. The money doesn't matter to me.<br/> 24 Q. Okay. That's what you're telling this jury,<br/> 25 money doesn't matter to you?</p> <p style="text-align: right;">Page 158</p>  | <p>1 email exchange between -- well, first of all, Jamie Beck<br/> 2 and the district attorneys, and then between you and<br/> 3 Jamie Beck?<br/> 4 A. Yes.<br/> 5 Q. From July 15, 2014, through July 16, 2014<br/> 6 regarding the intake position?<br/> 7 A. Yes.<br/> 8 Q. So let's start at the bottom, so -- which is<br/> 9 the last page. Jamie writes -- so, again, Jamie -- so<br/> 10 you don't dispute that it's typical for Jamie to post an<br/> 11 opening to the entire district attorney's office?<br/> 12 A. That the way I've seen it happen.<br/> 13 Q. That's the way -- and that's the way it happens<br/> 14 most of the time?<br/> 15 A. To my knowledge, yes.<br/> 16 Q. Okay. You don't have any reason to disbelieve<br/> 17 that?<br/> 18 A. This is the way I see openings happen, yes.<br/> 19 Q. All right. So -- and in this instance, on<br/> 20 July 15, 2014, Jamie sends out a notice that Sheila<br/> 21 Bowles is leaving. And then it says, "We now have<br/> 22 another opening in the intake division."<br/> 23 A. Okay.<br/> 24 Q. Okay. And so the normal process is for Jamie<br/> 25 to post an opening and then people to respond to that</p> <p style="text-align: right;">Page 160</p> |
| <p>1 MR. RAESZ: Object to form.<br/> 2 Q. (BY MR. JOHNSON) Are you asking for money in<br/> 3 this case?<br/> 4 A. The money is part of the process.<br/> 5 Q. Uh-huh.<br/> 6 A. But righting a wrong is what I'm after and what<br/> 7 I want to pursue.<br/> 8 Q. Okay.<br/> 9 A. And have continued to pursue.<br/> 10 Q. All right. Is money important to you in this<br/> 11 case or not?<br/> 12 A. It's not my primary focus, no.<br/> 13 (Exhibit 12 marked.)<br/> 14 Q. (BY MR. JOHNSON) Let me show you Exhibit 12.<br/> 15 And I want to talk a bit about your move to intake in<br/> 16 July of 2014 --<br/> 17 A. Yes.<br/> 18 Q. -- okay?<br/> 19 So -- actually, that's not the one I want<br/> 20 to start out with. So just bear with me. That's 12.<br/> 21 (Exhibit 13 marked.)<br/> 22 Q. (BY MR. JOHNSON) Okay. Let's start with 13.<br/> 23 Let me show you 13 first. All right. So look that<br/> 24 over, would you, please.<br/> 25 Is Exhibit 13 a true and correct copy of an</p> <p style="text-align: right;">Page 159</p> | <p>1 opening; is that true?<br/> 2 A. Yes.<br/> 3 Q. And so -- and in this instance -- instance,<br/> 4 excuse me, that same day, it looks like, actually four<br/> 5 minutes after she sent the email, you write -- that's<br/> 6 the next email from you to Jamie. It's 1:28 p.m. "Good<br/> 7 afternoon, I'm interested."<br/> 8 A. Yes.<br/> 9 Q. And then the next morning, she gets back to<br/> 10 you -- actually, she doesn't -- yeah, no. She gets back<br/> 11 to you that day, says, "Hey, I just want you to know<br/> 12 it's a lower pay grade. Are you still interested?"<br/> 13 Correct?<br/> 14 A. Yeah.<br/> 15 Q. Meaning you were going to make less money<br/> 16 taking this job?<br/> 17 A. Yes.<br/> 18 Q. Okay. And then you respond, "Good morning. I<br/> 19 know the difference. I'm not certain at this time what<br/> 20 it would be. I may have been under -- unclear about<br/> 21 movement in the past."<br/> 22 What did you mean by that, "unclear about<br/> 23 movement in the past"? You weren't --<br/> 24 A. Well, there had been another prosecutor that<br/> 25 had, like, moved around. She was in the -- in juvenile,</p> <p style="text-align: right;">Page 161</p>                     |

|  |  |
|--|--|
| <p>1 and the money that was with her kind of followed her to<br/> 2 where she went, so however that was assigned.<br/> 3 Q. Okay. I didn't understand your response,<br/> 4 but -- "At this -- but the pay cut may be worth my piece<br/> 5 of mind," right?<br/> 6 A. Yes.<br/> 7 Q. And then she says absolutely. And then we go<br/> 8 on. Going on to the first page now, you write Jamie and<br/> 9 Paul. It looks like you now have got Paul in the loop.<br/> 10 Basically talking about the pay cut --<br/> 11 A. Uh-huh.<br/> 12 Q. -- right?<br/> 13 And it says, "Thanks. I will look for Kim,<br/> 14 because I'm eager to get the information."<br/> 15 That's -- you're getting the information on<br/> 16 how much your wages were going to be cut, right?<br/> 17 A. Yes.<br/> 18 Q. Then it says, "I would think they are not<br/> 19 pleased with me, as my evaluation was lower than years'<br/> 20 past. I don't want their perception of my courtroom<br/> 21 abilities to jeopardize the safety of Denton County<br/> 22 children."<br/> 23 So apparently this was Allison and Karin?<br/> 24 A. They're in charge of the CPS division.<br/> 25 Q. All right. Who -- who was there? Who was the</p> <p style="text-align: right;">Page 162</p> | <p>1 Q. Well, how do you -- do you know who actually<br/> 2 filled out that evaluation?<br/> 3 A. I would believe that it's Karin.<br/> 4 Q. Okay.<br/> 5 A. That's who told me to turn it in.<br/> 6 Q. You don't know who filled in out then, do you?<br/> 7 You don't have personal knowledge? Because I read it,<br/> 8 and it looks like Sherry filled it out.<br/> 9 A. I read it, and it looks like Karin filled it<br/> 10 out.<br/> 11 Q. Okay. But you don't know who filled it out, do<br/> 12 you?<br/> 13 A. I approached the subject as if Karin had filled<br/> 14 it out and that was her evaluation.<br/> 15 Q. Sorry, that's not my question.<br/> 16 My question is, you don't have personal<br/> 17 knowledge of who filled out what portion of that<br/> 18 evaluation, do you?<br/> 19 A. That is correct.<br/> 20 Q. I don't want their perception of -- so what<br/> 21 issues were they having with your courtroom abilities in<br/> 22 July of 2014?<br/> 23 A. I had none -- none to note, but it was obvious<br/> 24 -- they -- to me it was as if something that I did or<br/> 25 did not do did not satisfy them or did not meet the</p> <p style="text-align: right;">Page 164</p>                    |
| <p>1 --<br/> 2 A. They are.<br/> 3 Q. Who is -- who are the people you're referring<br/> 4 to in that second sentence, "I don't want their"?<br/> 5 A. It would be Allison and -- Allison and Karin.<br/> 6 Q. Okay. So they had concerns about your<br/> 7 courtroom abilities?<br/> 8 A. I saw a difference in my evaluation.<br/> 9 Q. Uh-huh.<br/> 10 A. And it had been different than in years past.<br/> 11 So that's what I was --<br/> 12 Q. I don't think they evaluated you that -- that<br/> 13 time, but -- do you remember who evaluated you?<br/> 14 A. It was Karin.<br/> 15 Q. It was?<br/> 16 A. Her name was on the top of that evaluation.<br/> 17 Q. All right.<br/> 18 A. Well, it says Sherry at this point, but then<br/> 19 when you go over to this -- the subcategories on the<br/> 20 evaluation, it's Karin.<br/> 21 Q. It says Karin's eval -- so do you --<br/> 22 A. Karin --<br/> 23 Q. -- know who filled in the evaluation?<br/> 24 A. It looks -- the way the format is set up, you<br/> 25 would think that it was Karin.</p> <p style="text-align: right;">Page 163</p>  | <p>1 standards, and that's what was -- what I'd imagine be<br/> 2 reflected in my evaluation.<br/> 3 Q. Okay. What other facts do you have to color<br/> 4 that statement, "Well, I don't want their perception of<br/> 5 their [sic] courtroom abilities"? Any?<br/> 6 A. I don't want their perception of my courtroom<br/> 7 abilities?<br/> 8 Q. Yeah. Apparently it's not a good perception,<br/> 9 right?<br/> 10 A. Not if I got a lower evaluation, no.<br/> 11 Q. Uh-huh. But I don't want their perception of<br/> 12 my courtroom to jeopardize the safety of Denton County.<br/> 13 What did you mean by the safety of the<br/> 14 Denton County --<br/> 15 A. Because --<br/> 16 Q. -- children?<br/> 17 A. -- I work in a division that deals with<br/> 18 children and how we place them and what we do with them.<br/> 19 And if they -- if their opinion was not highly -- if<br/> 20 they didn't -- weren't favorable, if it wasn't<br/> 21 favorable, then --<br/> 22 Q. Right.<br/> 23 A. -- I didn't want -- because I take my job,<br/> 24 like, personally. I don't want to do anything adverse<br/> 25 to the client that I represent. And if my supervisor's</p> <p style="text-align: right;">Page 165</p> |



|   |   |
|---|---|
| <p>1 have you?</p> <p>2 A. I mean, no, not -- no.</p> <p>3 Q. And the last case you tried was in February</p> <p>4 of 2014, correct? And that was the Skidmore trial?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And that was the only case you tried prior to</p> <p>7 going on maternity leave in March of 2013, correct?</p> <p>8 A. That was after maternity leave. That trial I</p> <p>9 tried with Allison after returning.</p> <p>10 Q. Yeah.</p> <p>11 A. Am I -- did you --</p> <p>12 Q. No, I'm saying you didn't -- I take it you</p> <p>13 didn't try any cases in 2013?</p> <p>14 A. I -- I know the weekend -- the weekend that I</p> <p>15 was going to give birth, I was preparing for a trial. I</p> <p>16 don't remember how many trials I had tried between</p> <p>17 January and March of that year, so I couldn't speak for</p> <p>18 certain. But I was in the midst of preparing for a</p> <p>19 trial that actual -- I guess it would have been the</p> <p>20 following Monday or whatever it was, and had to send my</p> <p>21 stuff to Karin because I went into labor.</p> <p>22 Q. Okay. So the last time you may have tried a</p> <p>23 case was prior to March of 2013, right?</p> <p>24 A. Yes.</p> <p>25 Q. Well, other than the Skidmore trial, right?</p> <p style="text-align: right;">Page 178</p> | <p>1 Q. And are you -- but I'm -- I guess I'm trying to</p> <p>2 figure this out. You're suing, saying I should be a</p> <p>3 felony prosecutor as of today, right?</p> <p>4 MR. RAESZ: Object to the form.</p> <p>5 Q. (BY MR. JOHNSON) Correct?</p> <p>6 A. I am saying that I was denied the opportunity</p> <p>7 to become a felony prosecutor.</p> <p>8 Q. Well, you're -- but you're sitting here today</p> <p>9 saying, I'm ready to go, right? I'm ready to -- I can</p> <p>10 try a case tomorrow. If Paul says give you a felony</p> <p>11 trial tomorrow, you're ready to go?</p> <p>12 A. Yes.</p> <p>13 Q. You are? Having not tried a case in four</p> <p>14 years?</p> <p>15 A. I'd open up my book and get to work.</p> <p>16 Q. Okay. All right. I want to talk about the</p> <p>17 importance of felony prosecution. Those are -- they're</p> <p>18 big cases, right?</p> <p>19 A. Yes, they are.</p> <p>20 Q. Very high profile. They're murders, correct?</p> <p>21 A. Yes, sir.</p> <p>22 Q. They're rapes?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Serious assaults?</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 180</p>   |
| <p>1 A. Yes.</p> <p>2 Q. And the Skidmore trial was four years and four</p> <p>3 months ago, correct?</p> <p>4 A. Sounds --</p> <p>5 Q. 2014, June of '18; is that right?</p> <p>6 A. That sounds -- an approximation.</p> <p>7 Q. Okay. If you haven't tried a case in four --</p> <p>8 four years, I guess I'm kind of scratching my head. Do</p> <p>9 you -- how do you think you can just jump back in and</p> <p>10 start trying felony cases?</p> <p>11 MR. RAESZ: Object to the form.</p> <p>12 Q. (BY MR. JOHNSON) I mean, do you work out at</p> <p>13 all? I mean, do you -- do you run or anything?</p> <p>14 MR. RAESZ: Object to the form.</p> <p>15 A. I have a treadmill and I walk on a treadmill.</p> <p>16 Q. (BY MR. JOHNSON) Okay. So let's say you</p> <p>17 decide, I'm going to run a marathon, right?</p> <p>18 A. Sure.</p> <p>19 Q. Okay. Do you just show up one day and run the</p> <p>20 marathon?</p> <p>21 A. No.</p> <p>22 Q. What do you do?</p> <p>23 A. You practice.</p> <p>24 Q. Right. Practice, practice, practice?</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 179</p>   | <p>1 Q. They're cases where the victims and family have</p> <p>2 suffered greatly?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And you understand there are no do-overs,</p> <p>5 right?</p> <p>6 A. That is correct.</p> <p>7 Q. And if you screw up at trial and that guy walks</p> <p>8 free, or gal -- I don't want to be sexist -- that's it,</p> <p>9 they're free. So a murderer can go free; is that right?</p> <p>10 A. Yes, sir.</p> <p>11 Q. If you screw it up, right?</p> <p>12 A. I understand that.</p> <p>13 Q. All right. And you agree that Denton County</p> <p>14 has a responsibility to place the most qualified person</p> <p>15 in that prosecution chair in the felony court?</p> <p>16 A. I understand.</p> <p>17 Q. Right? You agree with that?</p> <p>18 A. Yes.</p> <p>19 Q. And they should not do so just because of</p> <p>20 someone's race or skin color, right?</p> <p>21 A. They should not deny the person the opportunity</p> <p>22 when they --</p> <p>23 Q. That's not my question.</p> <p>24 A. -- are invested --</p> <p>25 Q. You're -- you're not telling this jury that</p> <p style="text-align: right;">Page 181</p> |

|   |  |
|---|--|
| <p>1 Denton County has an obligation to promote someone to a<br/> 2 felony position just because of their race or skin<br/> 3 color, are you?<br/> 4 A. No. I'm saying I was denied the opportunity.<br/> 5 MR. JOHNSON: Object as nonresponsive after<br/> 6 no.<br/> 7 Q. (BY MR. JOHNSON) And they should not put<br/> 8 someone in a felony position just because of the number<br/> 9 of years they've worked there, should they?<br/> 10 MR. RAESZ: Object to the form.<br/> 11 A. Well, that would lead to my -- the -- speaking<br/> 12 about my experience and my being trained prior to the<br/> 13 felony position. The number of years that I had<br/> 14 invested and worked in trial, and whether it be<br/> 15 misdemeanor or CPS, the training would have occurred in<br/> 16 those years.<br/> 17 Q. (BY MR. JOHNSON) You're not aware of any<br/> 18 policy that says we promote based on tenure, are you?<br/> 19 A. No, I am not.<br/> 20 Q. And you're not aware of any practice that<br/> 21 Denton County promotes based on tenure, are you?<br/> 22 A. I am not.<br/> 23 Q. Okay. Because that would be foolish. Just<br/> 24 because someone's --<br/> 25 MR. RAESZ: Object to form.</p> <p style="text-align: right;">Page 182</p>  | <p>1 Q. What do you mean it appeared that they were<br/> 2 going on the next senior? What do you mean?<br/> 3 A. Well, just looking at the range of when people<br/> 4 started and their tenure in the office, looking at some<br/> 5 of that, most of the ones that I definitely started with<br/> 6 have progressed up the chain and become felony or<br/> 7 similar positions. And you're watching -- even the<br/> 8 misdemeanor, if you calculate their date and start date,<br/> 9 who's matriculating to different types of positions,<br/> 10 whether or not it's Mr. -- you know, I or II or the<br/> 11 misdemeanor chief. So you -- some of that pattern, you<br/> 12 just -- they didn't put like a Misdemeanor II into a<br/> 13 chief position. They -- people had been there longer<br/> 14 and had the trial experience, and it looks as if they<br/> 15 followed that sort of chain.<br/> 16 Q. Now, no one told you that information that you<br/> 17 just testified to, right? Paul didn't tell you that,<br/> 18 right?<br/> 19 A. No.<br/> 20 Q. Jamie didn't tell you that, right?<br/> 21 A. No.<br/> 22 Q. Michael Moore didn't tell you that?<br/> 23 A. No.<br/> 24 Q. Okay. Now, that's just your conclusion based<br/> 25 upon the documents you've looked at and what you just</p> <p style="text-align: right;">Page 184</p> |
| <p>1 Q. (BY MR. JOHNSON) -- been there 10 years<br/> 2 doesn't mean they're the most qualified for the job,<br/> 3 does it?<br/> 4 A. It could.<br/> 5 Q. That's not my question. Just because someone's<br/> 6 been somewhere for 10 years doesn't mean they're the<br/> 7 most qualified for the job, does it?<br/> 8 A. It could.<br/> 9 Q. It -- it could, but it also couldn't, right?<br/> 10 A. It could.<br/> 11 Q. All right. You're going to stick with that.<br/> 12 How do you know that tenure played a factor<br/> 13 in any of the promotions that you're complaining about?<br/> 14 A. Because you can calculate when a person's start<br/> 15 date was and how long that they've been there, and you<br/> 16 can map it out. Which I was able to look at so-and-so<br/> 17 started here, they've been here this long, and watch how<br/> 18 many years individuals had been there compared to me.<br/> 19 Q. So is it your contention that one of the<br/> 20 reasons that -- that -- that you claim that they should<br/> 21 have picked you over them is because you were there<br/> 22 longer, because of your tenure?<br/> 23 A. It appeared that they were going on the next<br/> 24 senior individual, and the next senior, excluding me,<br/> 25 was often promoted.</p> <p style="text-align: right;">Page 183</p> | <p>1 testified about, right?<br/> 2 A. That's my observation.<br/> 3 Q. Okay. Your observation.<br/> 4 And you have no -- you didn't sit in on any<br/> 5 of the promotion meetings, did you?<br/> 6 A. I did not.<br/> 7 Q. And you don't know if tenure had a factor --<br/> 8 played a role or not?<br/> 9 A. I do not.<br/> 10 Q. What do you think it takes to be a felony<br/> 11 prosecutor?<br/> 12 A. It -- it takes someone that will get into the<br/> 13 courtroom and -- well, before you even get into the<br/> 14 courtroom, deal with the ins and out of a case that<br/> 15 intake has decided to have indicted, making sure that<br/> 16 the elements that the intake division initially saw are<br/> 17 satisfied by the evidence that the trial attorney now<br/> 18 has, and whether or not that evidence will hold up or if<br/> 19 it's going to be kicked out. So the -- having the<br/> 20 ability to get in and argue for that evidence and<br/> 21 protect that evidence so your case can proceed, and then<br/> 22 being able to coordinate all of the witnesses, evidence,<br/> 23 and information collected from that process to proceed<br/> 24 to trial or plea or how -- however else the case will be<br/> 25 resolved.</p> <p style="text-align: right;">Page 185</p>   |

|   |   |
|---|---|
| <p>1 notes too closely?</p> <p>2 A. I -- I don't know. I don't know if it does.</p> <p>3 Q. Has anyone ever been critical of your trial</p> <p>4 skills, to your knowledge?</p> <p>5 A. I think in all -- I mean, I think in any --</p> <p>6 especially earlier on in misdemeanor, we would sit down</p> <p>7 and you would talk about what did or did not go right in</p> <p>8 your trials. And that you would -- could happen with</p> <p>9 your chief, Michael -- not Michael. Michael Graves or</p> <p>10 Sean Kilgore or -- I mean, whoever else had been my</p> <p>11 chief back -- back then. But it was a part of the</p> <p>12 process of making sure that you -- you would grow from</p> <p>13 whatever issue that they observe or whatever they</p> <p>14 thought that you could do better.</p> <p>15 So I don't have any specific incident, but</p> <p>16 I know that it -- I mean, it happened while I was in the</p> <p>17 trial division, that you'd sit down, and this is what</p> <p>18 happened in the trial, this went right, this didn't,</p> <p>19 let's do this differently, oh, that fell apart on us,</p> <p>20 that witness -- you know, those are the things that</p> <p>21 happened and you wanted to do better -- better the next</p> <p>22 go-round.</p> <p>23 Q. Okay. I just want to follow up. You -- you do</p> <p>24 agree that confidence is a material part of being a</p> <p>25 successful felony prosecutor?</p> <p style="text-align: right;">Page 190</p> | <p>1 Q. Did you ever have to go to the hospital --</p> <p>2 taken to the hospital by an ambulance because of the</p> <p>3 stress and anxiety associated with getting ready for</p> <p>4 trial?</p> <p>5 A. No. I got sick because I had vert -- vertigo.</p> <p>6 Q. Uh-huh.</p> <p>7 A. Vert -- verti -- what -- yeah, vertigo --</p> <p>8 Q. Yeah.</p> <p>9 A. -- and got sick.</p> <p>10 Q. Where was that? At work one day?</p> <p>11 A. Yes.</p> <p>12 Q. And when was that?</p> <p>13 A. Oh, that's been years.</p> <p>14 Q. Okay.</p> <p>15 A. I don't know an exact date, but it's been</p> <p>16 years.</p> <p>17 Q. All right. So years ago you had vertigo, and</p> <p>18 you left work in an ambulance?</p> <p>19 A. I -- I was -- yeah. I don't remember exactly</p> <p>20 how I got there, but I know we went to an -- the Denton</p> <p>21 -- is it Denton Regional or Denton somewhere --</p> <p>22 Q. Uh-huh.</p> <p>23 A. -- because I got sick.</p> <p>24 Q. Well, that's pretty serious if you're going in</p> <p>25 an ambulance. I mean, it's not like -- I mean, I drive</p> <p style="text-align: right;">Page 192</p>  |
| <p>1 MR. RAESZ: Object to the form.</p> <p>2 Q. (BY MR. JOHNSON) Being confident in front of a</p> <p>3 jury?</p> <p>4 A. Yes, being persuasive.</p> <p>5 Q. Uh-huh. And being confident?</p> <p>6 A. Yes.</p> <p>7 Q. And it's your testimony you've never struggled</p> <p>8 at trial?</p> <p>9 MR. RAESZ: Object to form.</p> <p>10 Q. (BY MR. JOHNSON) With confidence?</p> <p>11 MR. RAESZ: Object to the form.</p> <p>12 A. I don't recall ever --</p> <p>13 Q. (BY MR. JOHNSON) How about nerves?</p> <p>14 A. -- not being confident.</p> <p>15 Q. Nerves?</p> <p>16 A. Oh, you walk into a trial and you want it to go</p> <p>17 right and well and know that things can fall apart on</p> <p>18 you on the day of trial. Your witnesses don't show up,</p> <p>19 an officer doesn't show up, and you know that that's</p> <p>20 going to jeopardize, that -- that can -- that can rattle</p> <p>21 you, but you have to keep on going and figure out how to</p> <p>22 fill in the gap.</p> <p>23 Q. Okay. Have you ever had a panic attack getting</p> <p>24 ready for a trial?</p> <p>25 A. No.</p> <p style="text-align: right;">Page 191</p>   | <p>1 a car to the doctor if I'm sick.</p> <p>2 MR. RAESZ: Object to the form.</p> <p>3 Q. (BY MR. JOHNSON) Right?</p> <p>4 A. I -- if they would have let me get in the car,</p> <p>5 I would have done that. It was whatever was happening</p> <p>6 on the scene by whoever was making those decisions.</p> <p>7 Q. (BY MR. JOHNSON) Okay. Who was there with</p> <p>8 you?</p> <p>9 A. I don't recall. I mean, I -- I would believe</p> <p>10 -- that was so long ago, that Susan may have been my</p> <p>11 supervisor back then.</p> <p>12 Q. Uh-huh. Okay. And so you left work in an</p> <p>13 ambulance. Were you preparing for a trial?</p> <p>14 A. I don't recall.</p> <p>15 Q. All right. Well, I've heard rumor that you had</p> <p>16 a -- you were -- it was as a result of the stress and</p> <p>17 anxiety of getting ready for trial, you had to leave in</p> <p>18 an ambulance. Is that true or not?</p> <p>19 A. That is not true.</p> <p>20 Q. You're claiming it's because you had vertigo?</p> <p>21 What was the formal diagnosis at the end of</p> <p>22 the day; do you remember?</p> <p>23 A. That, vertigo.</p> <p>24 Q. Vertigo?</p> <p>25 A. Yeah.</p> <p style="text-align: right;">Page 193</p> |

|   |  |
|---|--|
| <p>1 Q. Okay. What caused it?</p> <p>2 A. I don't know all the -- I had ears examined and</p> <p>3 stuff like that. That may -- I don't know --</p> <p>4 Q. Oh, so --</p> <p>5 A. -- all the medical, yeah.</p> <p>6 Q. -- you were kind of weaving around, Oh, my</p> <p>7 gosh. Okay. But you have no idea whether or not it was</p> <p>8 caused by stress and anxiety?</p> <p>9 MR. RAESZ: Object to form.</p> <p>10 A. I don't know all the particulars behind --</p> <p>11 Q. (BY MR. JOHNSON) And the hospital you went to</p> <p>12 is Denton Regional?</p> <p>13 A. I -- I -- it was a Denton hospital.</p> <p>14 Q. Where was it?</p> <p>15 A. Off the highway, so --</p> <p>16 Q. Off 35?</p> <p>17 A. Yeah.</p> <p>18 Q. Okay. So -- and that would have been sometime</p> <p>19 since 2007?</p> <p>20 A. Before 2000 -- yeah, between 2007 and now.</p> <p>21 Q. All right. And if -- do you remember any</p> <p>22 doctors' names?</p> <p>23 A. No.</p> <p>24 Q. So if I wanted to go get the records from --</p> <p>25 those medical records, I would go to Denton Regional</p> <p style="text-align: right;">Page 194</p>  | <p>1 the first time you went in an ambulance.</p> <p>2 MR. RAESZ: Object to the form.</p> <p>3 Q. (BY MR. JOHNSON) But, as you sit here, you're</p> <p>4 going to say I don't remember?</p> <p>5 MR. RAESZ: Object to the form.</p> <p>6 A. It was a Denton hospital, sir.</p> <p>7 Q. (BY MR. JOHNSON) Which cross street was it at?</p> <p>8 A. I do not know.</p> <p>9 Q. And you think Susan Piel would have knowledge</p> <p>10 of -- of this incident?</p> <p>11 A. I think that it happened so early on in my</p> <p>12 career, that she would have been my supervisor. I don't</p> <p>13 recall anyone else being -- being my supervisor at that</p> <p>14 time.</p> <p>15 Q. Uh-huh.</p> <p>16 A. I don't think I started moving to Michael</p> <p>17 Moore, or whomever else would have supervised me during</p> <p>18 that range.</p> <p>19 Q. All right. So are you telling this jury that</p> <p>20 you've never had confidence issues in trial?</p> <p>21 MR. RAESZ: Object to the form.</p> <p>22 A. I think --</p> <p>23 Q. (BY MR. JOHNSON) -- over the course of your</p> <p>24 career?</p> <p>25 A. I think day one, when you started out as a</p> <p style="text-align: right;">Page 196</p>     |
| <p>1 Hospital off of 35?</p> <p>2 MR. RAESZ: Object to the form.</p> <p>3 A. I -- really, I don't know which hospital it</p> <p>4 was, sir. I don't --</p> <p>5 Q. (BY MR. JOHNSON) Well, you said --</p> <p>6 A. I just know it was Denton --</p> <p>7 Q. -- Denton Regional? I mean --</p> <p>8 A. Yeah, but I -- I don't want to mislead you. It</p> <p>9 was a Denton hospital that we went to. If there's more</p> <p>10 than one, but --</p> <p>11 Q. Well, how many times do you go to -- I don't</p> <p>12 know. You -- I know you've had a baby and, yes, I've</p> <p>13 had a child, too, but, I mean, not a child, but I've</p> <p>14 been with that.</p> <p>15 But how many times have you been to the</p> <p>16 hospital in an ambulance?</p> <p>17 A. I got sick once when -- after Anderson was</p> <p>18 born.</p> <p>19 Q. And you went in an ambulance?</p> <p>20 A. Yes.</p> <p>21 Q. All right. So you've been to a hospital twice</p> <p>22 in an ambulance?</p> <p>23 A. Yes. From my recollection, yeah.</p> <p>24 Q. Okay. I don't know, it just seemed to me you</p> <p>25 would remember the name of the hospital that you went to</p> <p style="text-align: right;">Page 195</p> | <p>1 prosecutor, we all work on our confidence and skills and</p> <p>2 ability to become better trial attorneys. And the more</p> <p>3 you practice, the more confident you can feel. But you</p> <p>4 have to have an ounce of confidence before you even show</p> <p>5 up to the game.</p> <p>6 Q. (BY MR. JOHNSON) Okay. Yes or no? I have had</p> <p>7 confidence issues at trial, yes or no?</p> <p>8 A. No.</p> <p>9 MR. RAESZ: Object to the form.</p> <p>10 Q. (BY MR. JOHNSON) No? That's your testimony</p> <p>11 under oath?</p> <p>12 MR. RAESZ: Object to the form.</p> <p>13 Q. (BY MR. JOHNSON) Right?</p> <p>14 A. Yes.</p> <p>15 Q. Who is Sean Kilgore?</p> <p>16 A. He is a former prosecutor. He's a practicing</p> <p>17 attorney now.</p> <p>18 Q. Was he a supervisor of yours?</p> <p>19 A. Yeah, when I first started out in Denton.</p> <p>20 (Exhibit 18 marked.)</p> <p>21 Q. (BY MR. JOHNSON) Let me show you Exhibit 18.</p> <p>22 Okay. So this -- is this a true and correct copy of an</p> <p>23 evaluation report for you dated July 11th of 20 -- 2007?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Now, did you and Sean get along okay?</p> <p style="text-align: right;">Page 197</p> |

|  |   |
|--|---|
| <p>1 take it you were never voted MVP at any time while you<br/> 2 were in the trial section, were you?<br/> 3 MR. RAESZ: Object to the form.<br/> 4 A. I'm not -- I don't even know -- didn't know<br/> 5 what the concept was.<br/> 6 Q. (BY MR. JOHNSON) Okay. And, as a result, you<br/> 7 were never voted MVP, to your knowledge, were you?<br/> 8 A. Not during my tenure.<br/> 9 Q. Uh-huh.<br/> 10 A. I don't know.<br/> 11 Q. "I wanted to let you know that you had several<br/> 12 votes for MVP and that you received high praise from<br/> 13 your coworkers. Here's a sampling of what they had to<br/> 14 say. A good sounding board for trial strategy, managed<br/> 15 Court 3 without a chief for almost three months. I keep<br/> 16 hearing Judge Garcia sing their praises about how well<br/> 17 the Court was run in the absence of a chief. Next,<br/> 18 she's very detailed and learns quickly and is not afraid<br/> 19 to ask questions. Next, I like this one, part of the,<br/> 20 quote, dream team."<br/> 21 MR. RAESZ: Object to form.<br/> 22 Q. (BY MR. JOHNSON) That's in reference to OJ<br/> 23 Simpson's defense team. That's the first time I ever<br/> 24 heard that term. Isn't it for you? Dream team?<br/> 25 MR. RAESZ: Object to form.</p> <p style="text-align: right;">Page 238</p> | <p>1 Q. Is it your recollection that Michael Dickens<br/> 2 was in felony in October of 2015?<br/> 3 A. I imagine he was. I'm -- I haven't followed<br/> 4 where exactly he's been assigned, sir.<br/> 5 Q. All right.<br/> 6 (Exhibit 29 marked.)<br/> 7 Q. (BY MR. JOHNSON) So let me show you<br/> 8 Exhibit 29. Now, this is a document you produced,<br/> 9 right? See that Boldware at the bottom? That's your<br/> 10 Bates number?<br/> 11 A. Yes.<br/> 12 Q. Okay. And Michael Dickens, who's a felony<br/> 13 prosecutor, is writing Kristin Kidd. And she's the<br/> 14 misdemeanor chief, right?<br/> 15 A. Yes.<br/> 16 Q. And I'll just read it. It's about Kathryn<br/> 17 Lowe. "Kathryn did a great job defending against a<br/> 18 strong objection regarding the blood draw in the trial<br/> 19 just a few minutes ago. She thought fast on her feet,<br/> 20 made a strong oral argument to the Court, and did a good<br/> 21 job of getting some case law together in a fast manner."<br/> 22 Did I read that accurately?<br/> 23 A. Yes.<br/> 24 Q. There's nothing in that email about lack of<br/> 25 confidence, is there?</p> <p style="text-align: right;">Page 240</p> |
| <p>1 Q. (BY MR. JOHNSON) You don't know? All right.<br/> 2 Okay. So, long and the short of it,<br/> 3 Kathryn Lowe was given -- I mean, Kristin Kidd is giving<br/> 4 Kathryn Lowe a pretty high praise in February of 2014,<br/> 5 correct?<br/> 6 A. Okay.<br/> 7 Q. Is that fair?<br/> 8 Do you know who Michael Dickens is?<br/> 9 A. Yes.<br/> 10 Q. Who's he?<br/> 11 A. He's a felony prosecutor in our office.<br/> 12 Q. Where does he -- is he in the -- I'm sorry.<br/> 13 He's a felony prosecutor?<br/> 14 A. He's been at CAC and felony. I'd have to look<br/> 15 at -- he's no longer --<br/> 16 Q. Was he in felony in 2015?<br/> 17 A. I -- I'd have to look back at the -- most<br/> 18 likely, because he was there for a long time, and then<br/> 19 moved and changed positions, but I'd have to look at our<br/> 20 office flowchart for --<br/> 21 Q. When you say looking at office flowchart,<br/> 22 you're talking about looking at a --<br/> 23 A. A list of prosecutors that we update<br/> 24 occasionally when moves are made, so you know where --<br/> 25 who's where in the division.</p> <p style="text-align: right;">Page 239</p>  | <p>1 MR. RAESZ: Object to the form.<br/> 2 A. No.<br/> 3 Q. (BY MR. JOHNSON) Okay. Do you believe you<br/> 4 were better qualified for the felony position than<br/> 5 Kathryn Lowe?<br/> 6 A. I believe I'm qualified for the felony<br/> 7 position.<br/> 8 Q. Okay. Now, that's not my question, though. As<br/> 9 between you and Kathryn Lowe, do you believe that you<br/> 10 were better qualified for her for the Felony II<br/> 11 position?<br/> 12 MR. RAESZ: Object to the form.<br/> 13 A. I believe that I'm qualified for the felony<br/> 14 position.<br/> 15 Q. (BY MR. JOHNSON) Okay. So you can't state<br/> 16 whether you were better qualified or not?<br/> 17 A. I know that I've received positive reviews, and<br/> 18 I believe that I'm qualified for the felony position.<br/> 19 Q. Okay. I'm going to give you one more chance.<br/> 20 Do you believe --<br/> 21 MR. RAESZ: Object to form.<br/> 22 Q. (BY MR. JOHNSON) -- you were better qualified<br/> 23 or Kathryn Lowe for the Felony II position that was<br/> 24 given to her in December of 2015?<br/> 25 A. Yes, I'm better qualified.</p> <p style="text-align: right;">Page 241</p>                      |

1 Q. Why?  
2 A. Because I've also been a strong advocate in  
3 oral argument, as evidenced by my evaluations given.  
4 One of the last evaluations that I had before Karin was  
5 by Sherry, in which she talks about I've led -- I was  
6 the lead in that case and how -- how well I led in that  
7 case. It was in front of Judge Burgess, I believe, so  
8 it would have been in the 158th. And that was before I  
9 went out on maternity leave. So I've received positive  
10 reviews, as well, from my supervisors in regards to my  
11 trial abilities, and was actually the lead on that --  
12 one of the last ones that I oversaw before going out on  
13 maternity leave.  
14 Q. Okay. That was all in 2013?  
15 A. Twenty thir -- well, that evaluation period --  
16 yeah.  
17 Q. Okay. And are these just your opinion as to  
18 why you think you're better qualified than she is?  
19 A. I -- I received positive reviews, and based on  
20 those positive reviews and my ability to work and adapt  
21 and learn, I believe I'm better qualified.  
22 Q. Okay. Now, she also has received positive  
23 reviews, correct?  
24 A. Yes, she has.  
25 Q. So why are yours better than hers?

Page 242

1 A. I received equal --  
2 Q. Okay.  
3 A. -- or at least accommodations [sic] of being a  
4 good trial prosecutor, as evidenced by my evaluation,  
5 which you can look at in regards to Sherry's evaluation,  
6 my trial ability right before this.  
7 Q. Is it your testimony then you're -- you're  
8 equal with her?  
9 A. I just -- I -- I believe I can compete and  
10 could compete with her.  
11 Q. So are you equal?  
12 A. I believe that I can compete.  
13 Q. With her?  
14 A. Given the opportunity, yes.  
15 Q. Okay. And on that basis, because you -- and  
16 just to recap. Because you received some positive  
17 performance reviews in the past?  
18 A. I have.  
19 Q. Okay. And what else did you say?  
20 A. And when they talk about having the ability  
21 to -- and strong oral arguments, I've done just the  
22 same.  
23 Q. Okay.  
24 A. Strong oral arguments and persuaded juries to  
25 terminate. And in my last trial, I did -- it did lead

Page 243

1 to termination. Although the judge overturned it, and  
2 our office didn't pursue anything further, but I did get  
3 a termination right before I went out -- or in one of my  
4 last trials before all of the other transpired.  
5 Q. Back in 2013?  
6 A. In that range.  
7 Q. All right. And in 2014, again, the only case,  
8 you put on one witness at the Skidmore trial, and that  
9 was all your --  
10 MR. RAESZ: Object to form.  
11 Q. (BY MR. JOHNSON) -- all you did with regard to  
12 saying or -- anything in the courtroom?  
13 A. I'm sorry, I lost part of the your answer [sic]  
14 in --  
15 Q. No, that's fine.  
16 A. Question, I mean.  
17 Q. Strike that question.  
18 Okay. Are there any other reasons why you  
19 think you were better qualified or as qualified as  
20 Kathryn Lowe?  
21 A. I have a strong work -- work ethic. I have  
22 managed to maintain a level -- or a professional  
23 working -- professional working relationship with my  
24 peers, despite the chaos that has happened in previous  
25 litigation or even the current. I've -- in having a

Page 244

1 strong work ethic, if they -- if she put something in  
2 front of me, whether or not it was Sherry or Karin or  
3 any other supervisor, I know that -- and I have shown  
4 that I'd get -- get in and dig in and do the work to get  
5 it done.  
6 Q. Okay. Do you think that --  
7 A. I didn't shy -- I have -- don't shy away from  
8 work.  
9 Q. Right. Do you think Kathryn has a strong work  
10 ethic?  
11 MR. RAESZ: Object to the form.  
12 A. I wouldn't know.  
13 Q. (BY MR. JOHNSON) You don't know?  
14 And, again, you've never seen her in the  
15 courtroom, so you don't know -- you can't -- yourself,  
16 you can't compare your trial skills to her trial skills,  
17 can you?  
18 A. I have not seen her in the courtroom, no.  
19 Q. All right. Are there any other reasons why you  
20 think you're better qualified than Kathryn Lowe for the  
21 position that was given to her?  
22 A. I think I've stated.  
23 Q. Okay. Now, after Kathryn Lowe was given the  
24 position, did you ever go to Michael Moore or Paul  
25 Johnson and say, Hey, listen, I know I didn't get it,

Page 245



|   |  |
|---|--|
| <p>1 but I really want to be considered for the felony<br/> 2 position?<br/> 3 A. I believe in Michael's response he said<br/> 4 continue to pursue future opportunities or look for<br/> 5 other opportunities that may -- something about this<br/> 6 wasn't the position, but if there are other<br/> 7 opportunities, something about that.<br/> 8 Q. So let's move on to the Civil Attorney II<br/> 9 position. That's going back to your Interrogatory No.<br/> 10 3, Exhibit 24. Are you with me?<br/> 11 A. Yes.<br/> 12 Q. Okay. So I think we've covered -- the first<br/> 13 one says Kim Laseter resigned, opening, and Kathryn Lowe<br/> 14 was given.<br/> 15 Is there anything else you need to add to<br/> 16 this Kathryn Lowe promotion that we've not already<br/> 17 talked about?<br/> 18 A. No.<br/> 19 Q. Okay. And then you list the January 2016 where<br/> 20 Paul offers you the Juvenile II position, right? We've<br/> 21 already covered that?<br/> 22 A. Yes, we did.<br/> 23 Q. And you declined?<br/> 24 A. I did.<br/> 25 Q. I guess I'm kind of scratching my head as why</p> <p style="text-align: right;">Page 246</p>   | <p>1 A. But he would have been the -- he would have<br/> 2 been what Sherry is to me, like --<br/> 3 Q. Okay. So you didn't want to work with Charlie<br/> 4 because you didn't feel like he was invested in the<br/> 5 position, and he was ultimately terminated. That's why<br/> 6 you turned that position down -- that promotion down?<br/> 7 A. Yes.<br/> 8 Q. All right. But you -- regardless of your<br/> 9 feelings about him, you still would have had a salary<br/> 10 increase had you taken that job --<br/> 11 A. But I --<br/> 12 Q. -- correct?<br/> 13 A. I would have been working in an environment<br/> 14 where the supervisor was not invested, presented as lazy<br/> 15 or unorganized, or not -- his heart wasn't in the<br/> 16 position, and he was just a fly-by-night show up and get<br/> 17 whatever he could done, done, but I didn't -- he just<br/> 18 didn't present well in the interview.<br/> 19 Q. Okay. So --<br/> 20 A. And I had already --<br/> 21 Q. -- you said, I don't want this job. Had you<br/> 22 been there, you could have maybe gotten his job, though,<br/> 23 right? You could have been the chief of the juvenile<br/> 24 unit?<br/> 25 A. But I had already been through other difficult</p> <p style="text-align: right;">Page 248</p>       |
| <p>1 are you listing that as something that you were failed<br/> 2 to be given? That's not really supposed to be in there,<br/> 3 is it?<br/> 4 A. No, I -- there's a reason behind not wanting to<br/> 5 pursue that opportunity. And I believe that my -- my<br/> 6 reason played out with the eventual termination of that<br/> 7 individual. I didn't want to go work in an environment<br/> 8 where he didn't seem invested.<br/> 9 Q. Who -- who is the individual?<br/> 10 A. The -- the then supervisor --<br/> 11 Q. Okay. Who was that?<br/> 12 A. -- for juvenile. Charlie.<br/> 13 Q. Charlie who?<br/> 14 A. I have it listed. Charlie Martin.<br/> 15 Q. Okay. So you did -- you turned the position<br/> 16 down because you didn't want to go to work with Charlie<br/> 17 Martin?<br/> 18 A. I --<br/> 19 Q. What was -- what was his position?<br/> 20 A. I interviewed for -- with him and Allison that<br/> 21 day, and he just presented as someone that wasn't<br/> 22 invested, was somewhat possibly lazy, and maybe -- it<br/> 23 just didn't seem like he cared much about what he did.<br/> 24 Q. There were other people in that juvenile unit,<br/> 25 right?</p> <p style="text-align: right;">Page 247</p> | <p>1 work environments. I wasn't willing to subject myself<br/> 2 to a position that I couldn't get out of.<br/> 3 Q. Okay. So are you -- so I'm sure there's a lot<br/> 4 of difficult work environments in any -- in any company,<br/> 5 right?<br/> 6 A. Yes.<br/> 7 Q. Right. And I imagine then work -- you know,<br/> 8 working in the felony division of the Denton County<br/> 9 District Attorney's Office is not going to be a walk in<br/> 10 the park every day, is it?<br/> 11 A. No, it's not.<br/> 12 Q. So, I mean, I guess I'm scratching my head. So<br/> 13 do you just get to pick and choose as to, you know, I<br/> 14 don't want to work with this person. Is this going to<br/> 15 be too hard on me? Is that what I'm hearing you say?<br/> 16 MR. RAESZ: Object to the form.<br/> 17 Q. (BY MR. JOHNSON) It's just too much?<br/> 18 A. No. No, sir.<br/> 19 Q. All right. But that -- there was nothing<br/> 20 discriminatory about them giving you that opportunity,<br/> 21 is there?<br/> 22 A. No. But it did kind of box me in, considering<br/> 23 that no one else in the office wanted to pursue. It<br/> 24 didn't seem like other in-house attorneys were pursuing<br/> 25 that, because it seems to be a dead end.</p> <p style="text-align: right;">Page 249</p> |

|   |   |
|---|---|
| <p>1 Q. How much research and writing have you done<br/> 2 with the county?<br/> 3 A. We've had -- I've had very few.<br/> 4 Q. Very few what?<br/> 5 A. Like research -- research is different, because<br/> 6 I have to get on and find case law as to whether or not<br/> 7 I can argue against or suppress evidence or whatever<br/> 8 that -- whatever the issue is at that, so research is<br/> 9 different.<br/> 10 Q. Uh-huh.<br/> 11 A. But the writing opportunity has been limited.<br/> 12 And even in CPS, we do daily writing, but more so it's<br/> 13 very formulaic for us and making sure that --<br/> 14 Q. And you're not able to state whether or not you<br/> 15 have more research and writing experience than Linda<br/> 16 Puckett, are you?<br/> 17 A. I am not.<br/> 18 Q. Okay. Let's move on. So another spot that<br/> 19 you're claiming -- going back to your Interrogatory No.<br/> 20 3, Exhibit 24, is a Felony II spot announced by email<br/> 21 from Jamie Beck, November 29, 2016. And this is the<br/> 22 spot that Rachel Nichols Sears ultimately received,<br/> 23 correct?<br/> 24 A. Yes.<br/> 25 Q. Okay. And that's one of the spots you're</p> <p style="text-align: right;">Page 258</p> | <p>1 Rachel Sears for that position?<br/> 2 A. I do.<br/> 3 Q. Why?<br/> 4 A. Because I have had misdemeanor trial<br/> 5 experience, as well as the district court experience<br/> 6 while working in CPS. So I've been in front of a<br/> 7 district judge, as well as the county judges. I've had<br/> 8 my share of terminations and --<br/> 9 Q. Hold on, let's stop. So your -- you believe<br/> 10 you're more quali -- because you have trial<br/> 11 experience --<br/> 12 A. Yes.<br/> 13 Q. -- right?<br/> 14 A. And I've had my share --<br/> 15 Q. Well, hold on. Rachel had trial experience,<br/> 16 too, right?<br/> 17 MR. RAESZ: Would you let her finish her<br/> 18 answer, please.<br/> 19 MR. JOHNSON: Okay. Well, I want to --<br/> 20 you're -- you're kind of confusing your answer, so I<br/> 21 want to just --<br/> 22 MR. RAESZ: No, you're confusing --<br/> 23 MR. JOHNSON: -- take it one at a time.<br/> 24 MR. RAESZ: -- her answer. Let her finish.<br/> 25 Q. (BY MR. JOHNSON) Can we just go one point at a</p> <p style="text-align: right;">Page 260</p>   |
| <p>1 complaining about in this lawsuit, right?<br/> 2 A. (Witness nods.)<br/> 3 (Exhibit 31 marked.)<br/> 4 Q. (BY MR. JOHNSON) Let me show you deposition<br/> 5 Exhibit No. 31. So this is an email from Jamie Beck to<br/> 6 the district attorneys, November 2016, that -- notifying<br/> 7 everyone that this Felony II spot became available<br/> 8 because Lauren Marshall had decided to work part-time,<br/> 9 correct?<br/> 10 A. Yes.<br/> 11 Q. And you responded "good morning," and expressed<br/> 12 interest in that --<br/> 13 A. Yes.<br/> 14 Q. -- position; is that correct?<br/> 15 A. Yes.<br/> 16 Q. Okay. And what happened next? Were you -- did<br/> 17 you interview?<br/> 18 A. There was no interview.<br/> 19 Q. Okay. Do you know who all was considered for<br/> 20 that position?<br/> 21 A. I do not.<br/> 22 Q. Do you know what Denton's reasons were for<br/> 23 making that promotion decision?<br/> 24 A. I do not.<br/> 25 Q. Do you think you're better qualified than</p> <p style="text-align: right;">Page 259</p>  | <p>1 time, please.<br/> 2 A. Okay. Where would you --<br/> 3 Q. All right. Why are you better qualified than<br/> 4 Rachel Sears for this position, and your first point is,<br/> 5 I've had trial experience.<br/> 6 A. I've had years of -- I had the criminal<br/> 7 misdemeanor trial experience and had successful<br/> 8 convictions while doing that. I -- in between all that<br/> 9 time, I was being shuffled between whatever -- whatever<br/> 10 else was going on in the office at that time with the<br/> 11 Cary Piel situation, but, in light of that, I moved to<br/> 12 the CPS division and worked well with my then supervisor<br/> 13 and had successful terminations and decisions made in my<br/> 14 cases where we represented our client well.<br/> 15 Q. What other reasons are you more qualified than<br/> 16 Rachel Sears?<br/> 17 A. I'm an experienced trial attorney who's<br/> 18 invested her time and effort and dedication to the<br/> 19 office. My trials have been successful. While not<br/> 20 100 -- I do not have a 100 percent conviction rate, no,<br/> 21 I do not, but I did have successful convictions and<br/> 22 successful terminations. I've mediated and dealt with<br/> 23 other civil matters that some of the other members of my<br/> 24 division hadn't dealt with, like doing depositions and<br/> 25 whatever. So whenever presented with an opportunity to</p> <p style="text-align: right;">Page 261</p> |



|  |  |
|--|--|
| <p>1 learn and grow and do something that even some of my<br/>2 peers weren't familiar with, I've jumped in and done a<br/>3 job well.<br/>4 Q. Any others?<br/>5 A. That's the overarching --<br/>6 Q. I'm --<br/>7 A. -- position.<br/>8 Q. -- sorry?<br/>9 A. That is my position.<br/>10 Q. Have you ever tried a case with Rachel Sears?<br/>11 A. Did we do anything in the CPS during her --<br/>12 while she was -- no, not while she was in CPS. And not<br/>13 -- when she was in misdemeanor, I was in CPS, so we were<br/>14 on separate -- separate ends of the office at that time.<br/>15 Q. So is your answer no?<br/>16 A. No.<br/>17 Q. All right. So you're not really qualified to<br/>18 testify as to your courtroom skills versus her courtroom<br/>19 skills, are you?<br/>20 A. I cannot.<br/>21 Q. Do you -- how many cases did you try? How many<br/>22 jury trials did you try at CPS?<br/>23 MR. RAESZ: Object to the form.<br/>24 A. I don't know the number.<br/>25 Q. (BY MR. JOHNSON) More than six?</p> <p>Page 262</p>  | <p>1 division chief at that time -- at this current time, and<br/>2 pursued other opportunities and con -- I continue to<br/>3 pursue other opportunities.<br/>4 Q. All right. So -- well, that's -- that's a very<br/>5 generalized argument.<br/>6 MR. RAESZ: Object to form.<br/>7 Q. (BY MR. JOHNSON) The -- we've already covered<br/>8 all of the emails that you're aware of that you've sent<br/>9 to Denton County saying I'm interested in a position,<br/>10 correct?<br/>11 A. Yes.<br/>12 Q. All right. You're not aware of one other one,<br/>13 right?<br/>14 And I want to go back to Lauren Marshall.<br/>15 Lauren Marshall was a felony prosecutor, right?<br/>16 A. Yes.<br/>17 Q. She was successful?<br/>18 A. I do not know that.<br/>19 Q. All right. You're not in a position to say --<br/>20 well, how long had she been there?<br/>21 A. She started in the office when the Cary Piel<br/>22 situation was going on, because she was the prosecutor<br/>23 that they --<br/>24 Q. My -- my question is how long had she been<br/>25 there?</p> <p>Page 264</p> |
| <p>1 A. I don't know the number.<br/>2 Q. You mentioned something about 100 percent<br/>3 conviction rate. Is that something Rachel had or<br/>4 something? I don't know why --<br/>5 A. No, I'm just saying that I -- I know that I did<br/>6 not have a 100 percent conviction rate, but --<br/>7 Q. Okay. All right. Now, those are all the<br/>8 reasons that you can give as to why you believe you're<br/>9 better qualified than Rachel Sears for that Felony II<br/>10 position?<br/>11 A. Yes.<br/>12 Q. All right. Let's move on. The next position<br/>13 that I have that you claim you should have been given<br/>14 was -- I'm really having a hard time with this one.<br/>15 This is when Lauren Marshall gets moved back to Felony<br/>16 II. Right?<br/>17 Are you claiming that moving Lauren<br/>18 Marshall back to felony somehow is discrimination or<br/>19 retaliation against you?<br/>20 A. It was just another example of an opportunity<br/>21 not available in that office for a Felony II position.<br/>22 It's another example of the door being shut in my face.<br/>23 No explanation. Just that I will not be advancing,<br/>24 despite the email that says look for other<br/>25 opportunities. And I followed that advice of the felony</p> <p>Page 263</p> | <p>1 A. I don't -- whenever that started, when --<br/>2 Q. Would you please answer my questions, please.<br/>3 It's getting late, and I don't mean to talk over you,<br/>4 but if I ask how long has someone been there, that<br/>5 usually requires an answer of so many years or I don't<br/>6 know.<br/>7 A. Less than me.<br/>8 Q. Okay.<br/>9 A. Because I was in the office when she started.<br/>10 Q. All right. She was a felony prosecutor before<br/>11 she moved to intake, correct?<br/>12 A. She was.<br/>13 Q. And you don't know how many years she had been<br/>14 a felony prosecutor, correct?<br/>15 A. I -- no, I didn't track her.<br/>16 Q. And you don't know whether or not she was<br/>17 successful or not as a felony prosecutor?<br/>18 A. I do not.<br/>19 Q. Okay. But she had been there for years, right?<br/>20 A. Yes, she had.<br/>21 Q. And she hadn't been fired, right?<br/>22 A. She had not.<br/>23 Q. So it's pretty reasonable to assume she was<br/>24 doing a good job?<br/>25 MR. RAESZ: Object to the form.</p> <p>Page 265</p>             |

|   |  |
|---|--|
| <p>1 Q. (BY MR. JOHNSON) Right?</p> <p>2 A. I can't make that assumption.</p> <p>3 Q. Okay. Then she moves to -- to intake</p> <p>4 temporarily?</p> <p>5 A. Yes.</p> <p>6 Q. Because of family reasons. She was having a</p> <p>7 baby or something, right?</p> <p>8 A. It was -- well, that -- I don't want to</p> <p>9 misspeak for her reason, so --</p> <p>10 Q. Okay. She -- for personal reasons, she moved</p> <p>11 to intake?</p> <p>12 A. Okay.</p> <p>13 Q. And then she decided, My personal reasons are</p> <p>14 over, I want to move back to felony.</p> <p>15 A. Okay.</p> <p>16 Q. -- right?</p> <p>17 And you're complaining that somehow giving</p> <p>18 her her old job back is discrimination against you. Is</p> <p>19 that what you're telling this jury?</p> <p>20 A. Well, was her -- was it ever provided that she</p> <p>21 was going to flip-flop? That information wasn't</p> <p>22 provided, like, oh, is this temporary. All I knew is</p> <p>23 that a position became available, I wasn't going to be</p> <p>24 placed in that position. I -- I don't know what her</p> <p>25 plan was, whether or not her plan was only to be in</p> <p style="text-align: right;">Page 266</p>   | <p>1 Boldware, who's never been in felony before in your</p> <p>2 life, is more qualified than Lauren Marshall --</p> <p>3 A. I'm not --</p> <p>4 Q. -- as a felony prosecutor?</p> <p>5 A. I am claiming that I had --</p> <p>6 Q. No, that's my question. Yes or no, are you</p> <p>7 claiming in this case that you are more qualified than</p> <p>8 Lauren Marshall?</p> <p>9 A. I'm claiming that I am capable of filling a</p> <p>10 Felony II position.</p> <p>11 MR. JOHNSON: Okay. Objection,</p> <p>12 nonresponsive.</p> <p>13 Q. (BY MR. JOHNSON) You know, you remember at the</p> <p>14 trial the judge admonishing you for failing to answer</p> <p>15 questions responsively, right?</p> <p>16 A. Yes, I do.</p> <p>17 Q. Okay. You're doing that right now --</p> <p>18 A. I understand.</p> <p>19 Q. -- aren't you? Okay.</p> <p>20 And do you think that that somehow makes</p> <p>21 you look better?</p> <p>22 A. No, I'm --</p> <p>23 MR. RAESZ: Object to form.</p> <p>24 Q. (BY MR. JOHNSON) It makes you look worse. Do</p> <p>25 you --</p> <p style="text-align: right;">Page 268</p> |
| <p>1 intake temporarily, and once I get back on my feet or</p> <p>2 once my family situation calms down or whatever that</p> <p>3 situation that you explained was, I don't know of any</p> <p>4 arrangement she made with the office to only let her</p> <p>5 temporarily be in intake and then we'll open the door</p> <p>6 for you again when you get that -- that situation</p> <p>7 quieted down and --</p> <p>8 Q. I'm sorry.</p> <p>9 A. -- you can come back.</p> <p>10 Q. Okay. You finished. I'm sorry. You finished.</p> <p>11 Okay. I'm sorry.</p> <p>12 Was Jamie supposed to come to you and say,</p> <p>13 Hey, Nadiya, I just want to let you know that we've</p> <p>14 moved Lauren over here temporarily. Are you cool with</p> <p>15 that? Is -- is that what you're telling this jury?</p> <p>16 Somehow they're supposed to tell you what they're doing?</p> <p>17 A. What I'm --</p> <p>18 MR. RAESZ: Objection, form.</p> <p>19 A. What I was saying is that I wasn't aware that</p> <p>20 it was only temporary. All I saw was that there was an</p> <p>21 opportunity.</p> <p>22 Q. (BY MR. JOHNSON) All right. That's your only</p> <p>23 evidence?</p> <p>24 A. Is that there was an opportunity.</p> <p>25 Q. All right. Are you claiming that you, Nadiya</p> <p style="text-align: right;">Page 267</p> | <p>1 MR. RAESZ: Object to the form.</p> <p>2 Q. (BY MR. JOHNSON) -- understand that?</p> <p>3 A. I'm -- I'm --</p> <p>4 Q. It's late in the day, we've been here for</p> <p>5 hours --</p> <p>6 A. Okay.</p> <p>7 Q. -- right?</p> <p>8 Do you think the jury is going to want you</p> <p>9 to not answer my questions?</p> <p>10 MR. RAESZ: Object to form.</p> <p>11 A. I don't know what --</p> <p>12 Q. (BY MR. JOHNSON) Do you think you're more</p> <p>13 qualified than Lauren Marshall for the position that she</p> <p>14 was returned to in September of 27 --</p> <p>15 A. I'm believe I'm --</p> <p>16 Q. -- 2017, yes or no?</p> <p>17 A. I believe I'm qualified.</p> <p>18 Q. You -- so then you don't believe you're more</p> <p>19 qualified than her, do you?</p> <p>20 A. I don't know her experience in the office.</p> <p>21 Q. So you don't believe you were more qualified</p> <p>22 than her, do you?</p> <p>23 MR. RAESZ: Object to the form.</p> <p>24 Q. (BY MR. JOHNSON) Yes or no?</p> <p>25 A. I believe I'm qualified.</p> <p style="text-align: right;">Page 269</p>             |

|  |   |
|--|---|
| <p>1 Q. Okay. I'm going to ask you again, one more<br/> 2 time. You do not believe -- you do not know whether you<br/> 3 are more qualified or not than Lauren Marshall, do you?<br/> 4 A. I believe I'm qualified.<br/> 5 Q. Okay. But not more qualified, correct?<br/> 6 A. I believe I'm qualified.<br/> 7 Q. Okay. So you're not going to answer my<br/> 8 question.<br/> 9 What other positions do you contend you<br/> 10 should have been promoted into in this case, other than<br/> 11 those that we've just covered?<br/> 12 MR. RAESZ: Object to the form.<br/> 13 A. I am --<br/> 14 Q. (BY MR. JOHNSON) I mean, there are none other<br/> 15 in your Interrogatory No. 3, are there?<br/> 16 A. Not in that interrogatory.<br/> 17 Q. I'm still waiting on an answer.<br/> 18 A. I believe I answered you.<br/> 19 Q. No. What other positions do you contend you<br/> 20 should have been promoted into in this case, other than<br/> 21 those that we've just covered?<br/> 22 A. We've covered the positions, and anything else<br/> 23 is noted in my documents.<br/> 24 Q. What -- what documents then? Since you keep<br/> 25 using that as a hedge. What documents are you --</p> <p style="text-align: right;">Page 270</p>  | <p>1 Q. (BY MR. JOHNSON) Okay. All right. And I<br/> 2 think we've already covered that you've never applied<br/> 3 for -- specifically sought out a misdemeanor chief<br/> 4 position, correct?<br/> 5 A. No.<br/> 6 Q. All right. So let's talk about for all these<br/> 7 other jobs that you didn't specifically apply for that<br/> 8 you somehow are claiming that you should have been<br/> 9 promoted into.<br/> 10 MR. RAESZ: Object to the form.<br/> 11 Q. (BY MR. JOHNSON) First of all, there are --<br/> 12 there are approximately 60-plus lawyers in the Denton<br/> 13 County misdemeanor -- sorry -- the Denton County<br/> 14 District Attorney's Office, correct?<br/> 15 A. That's correct.<br/> 16 Q. Sixty-plus. All right.<br/> 17 And you don't know who made the decision to<br/> 18 select the persons that were promoted into these<br/> 19 positions that you did not seek, correct?<br/> 20 A. I do not.<br/> 21 Q. And you do not know who all was considered for<br/> 22 those positions, do you?<br/> 23 A. I do not.<br/> 24 Q. And you don't even know if you were even on the<br/> 25 radar, do you?</p> <p style="text-align: right;">Page 272</p>   |
| <p>1 MR. RAESZ: Object to the form.<br/> 2 Q. (BY MR. JOHNSON) -- discussing? Identify them<br/> 3 specifically, please.<br/> 4 A. In this office, I've not been considered for a<br/> 5 misdemeanor chief position, I've not been considered<br/> 6 for -- or if I was considered, I wasn't informed as to<br/> 7 why I would not be a misdemeanor chief. I wasn't<br/> 8 informed why I wouldn't be a felony prosecutor. I just<br/> 9 know that the process of declining and passing over<br/> 10 continued. I don't know the reason why. I know that<br/> 11 even from the felony prosecutor division chief, he<br/> 12 encouraged that I pursue other opportunities and I -- I<br/> 13 continued to pursue other opportunities, and all those<br/> 14 opportunities led to dead ends.<br/> 15 Q. All right. I need to know what opportunities<br/> 16 you specifically sought out that we haven't already<br/> 17 talked about.<br/> 18 A. I believe we've talked about them.<br/> 19 Q. Okay. So you're -- this is just some general<br/> 20 claim you're making that somehow they should consider me<br/> 21 for this job, right?<br/> 22 MR. RAESZ: Object to the form.<br/> 23 A. It's not a general claim. I've been specific<br/> 24 in what I've wanted to be considered in and things that<br/> 25 I've pursued.</p> <p style="text-align: right;">Page 271</p> | <p>1 A. I do not.<br/> 2 Q. Okay. And you certainly don't know Denton's<br/> 3 reasons for making the promotion decision that you<br/> 4 didn't seek, correct?<br/> 5 MR. RAESZ: Object to the form.<br/> 6 A. I'm sorry?<br/> 7 Q. (BY MR. JOHNSON) You certainly don't know<br/> 8 Denton's -- you certainly don't know Denton's reasons<br/> 9 for making the promotion decision that you didn't seek,<br/> 10 correct?<br/> 11 MR. RAESZ: Object to the form.<br/> 12 A. The reason that I've list -- or would -- I<br/> 13 would state as a reason is retaliation for a reason as<br/> 14 -- as to why not to promote me, because I pursued the<br/> 15 legal action before, and as a form of punishment or<br/> 16 shutting the door, these opportunities will not be open<br/> 17 to you.<br/> 18 Q. (BY MR. JOHNSON) What proof do you have that<br/> 19 that's, in fact, the case? What -- what has anybody<br/> 20 said or done specifically to support that conclusion?<br/> 21 A. The done is to deny the opportunity.<br/> 22 Q. The -- the three or four that we've identified,<br/> 23 correct?<br/> 24 A. The ones that have been identified.<br/> 25 Q. All right. That wasn't my question.</p> <p style="text-align: right;">Page 273</p> |

|  |  |
|--|--|
| <p>1 My question was, for the opportunities that<br/> 2 you didn't seek that you seem to be complaining about in<br/> 3 this lawsuit, you have no idea what Denton's reasons<br/> 4 were for -- for promoting whoever was promoted, correct?<br/> 5 MR. RAESZ: Object to form.<br/> 6 A. I do not know.<br/> 7 Q. (BY MR. JOHNSON) Do you know the procedure --<br/> 8 regarding the misdemeanor chief position, do you know<br/> 9 where the person selected come from?<br/> 10 A. From the trial division.<br/> 11 Q. From the misdemeanor position?<br/> 12 A. Mis --<br/> 13 Q. From the misdemeanor. So in order to go up,<br/> 14 normally it's you're a I or a II, and then you go up to<br/> 15 chief. Those people are already in the misdemeanor --<br/> 16 A. Trial division.<br/> 17 Q. -- right?<br/> 18 A. Yes.<br/> 19 Q. You left the misdemeanor trial division in '10?<br/> 20 A. Yes.<br/> 21 Q. All right. So if you're not in the position<br/> 22 since '10, and they promote from within that division,<br/> 23 how could you be considered for that chief position?<br/> 24 A. I could speak to Kristin and explore whether or<br/> 25 not if I -- if being a chief were an option in currently</p> <p style="text-align: right;">Page 274</p> | <p>1 A. I don't know if you want to call my position a<br/> 2 hybrid position. I'm considered a misdemeanor<br/> 3 prosecutor. The fact that I don't rotate from court to<br/> 4 court, if that prevents me from being a chief, then<br/> 5 that's not something I'm aware of.<br/> 6 Q. (BY MR. JOHNSON) Okay. You're in intake right<br/> 7 now?<br/> 8 A. Yes.<br/> 9 Q. And you're not trying cases?<br/> 10 A. I am not.<br/> 11 Q. Okay. So I believe you testified earlier that<br/> 12 your best recollection is you've applied with Collin<br/> 13 County two times to work there?<br/> 14 A. Recently, yes, unless --<br/> 15 Q. I didn't ask you recently. I said how many<br/> 16 times have you applied to Collin County?<br/> 17 MR. RAESZ: Object to form.<br/> 18 A. I --<br/> 19 Q. (BY MR. JOHNSON) And you said twice, as I<br/> 20 recall.<br/> 21 A. The most recent applications have been twice.<br/> 22 Anytime before would have been a long time ago.<br/> 23 Q. All right. We'll let the record stand on its<br/> 24 own.<br/> 25 MR. RAESZ: Object to form.</p> <p style="text-align: right;">Page 276</p> |
| <p>1 my intake position. I just know that any area of<br/> 2 promotion regarding moving out of my intake chair has<br/> 3 been limited, and I do not know that being in intake<br/> 4 either limits or opens the door to -- for me either way.<br/> 5 I don't know what their policy is on that.<br/> 6 Q. All right. You keep overlooking the fact that<br/> 7 they gave you a felony position opportunity all the way<br/> 8 back in '12, right?<br/> 9 A. I'm not over --<br/> 10 MR. RAESZ: Object to form.<br/> 11 A. I'm not overlooking that.<br/> 12 Q. (BY MR. JOHNSON) You said no, I don't want it?<br/> 13 A. I didn't -- I don't know that that's what was<br/> 14 said.<br/> 15 Q. Okay. Well, you're not in it?<br/> 16 A. But those words that you shared --<br/> 17 Q. All right. So -- but going back to the<br/> 18 misdemeanor chief. The procedure is for someone who's<br/> 19 in that division to get promoted, correct?<br/> 20 A. Yes.<br/> 21 Q. And you haven't been in that position since<br/> 22 2010. You haven't been in that division since 2010,<br/> 23 correct?<br/> 24 A. I -- I don't --<br/> 25 MR. RAESZ: Object to form.</p> <p style="text-align: right;">Page 275</p>   | <p>1 (Exhibit 32 marked.)<br/> 2 Q. (BY MR. JOHNSON) Let me show you Exhibit 32.<br/> 3 Is this a true and correct copy of an online application<br/> 4 that you submitted to Collin County in -- on or about<br/> 5 August of 2009?<br/> 6 A. I believe so.<br/> 7 Q. Okay. And you were seeking a misdemeanor<br/> 8 prosecutor position?<br/> 9 A. Yes.<br/> 10 (Exhibit 33 marked.)<br/> 11 Q. (BY MR. JOHNSON) Let me show you Exhibit 33.<br/> 12 And is this a true and correct copy of a -- of a job<br/> 13 application you submitted to Collin County District<br/> 14 Attorney's Office on October 3rd of 2011?<br/> 15 A. Yes.<br/> 16 Q. And you were seeking a misdemeanor prosecutor<br/> 17 position?<br/> 18 A. Yes.<br/> 19 (Exhibit 34 marked.)<br/> 20 Q. (BY MR. JOHNSON) Let me show you Exhibit 34.<br/> 21 Another -- another job application to Collin County<br/> 22 District Attorney's Office, correct?<br/> 23 A. Yes.<br/> 24 Q. And you were seeking a misdemeanor prosecutor<br/> 25 position? That's January 25th of 2016?</p> <p style="text-align: right;">Page 277</p>                             |

|  |  |
|--|--|
| <p>1 we're talking about in this case. I know you think you<br/> 2 want to retry that case, and I --<br/> 3 A. I'm not --<br/> 4 Q. -- again, I just get back to the --<br/> 5 A. I don't --<br/> 6 MR. RAESZ: Object to the form.<br/> 7 Q. (BY MR. JOHNSON) If anybody's retaliating,<br/> 8 it's you are trying to retaliate against the -- Denton,<br/> 9 because you can't get over it.<br/> 10 MR. RAESZ: Object to the form.<br/> 11 Q. (BY MR. JOHNSON) Can you? You can't get over<br/> 12 this --<br/> 13 A. I'm not --<br/> 14 Q. -- that case, can you?<br/> 15 A. -- retaliating.<br/> 16 MR. RAESZ: Object to the form.<br/> 17 Counsel, if you're going to sit here and<br/> 18 argue with her, we're going to shut this down. Why<br/> 19 don't you ask a question.<br/> 20 Q. (BY MR. JOHNSON) What other pain and suffering<br/> 21 have you suffered from?<br/> 22 A. Embarrassment.<br/> 23 Q. Stress.<br/> 24 A. Stress.<br/> 25 Q. What else?</p> <p style="text-align: right;">Page 294</p>   | <p>1 was denied the opportunity, yes.<br/> 2 Q. Okay. Angry. Anger. All right. What else?<br/> 3 A. If you want to know that I've had sleepless<br/> 4 nights about this, yes.<br/> 5 Q. Okay.<br/> 6 A. If you want to know that I sat in my bed on New<br/> 7 Year's Eve as -- knowing that Rachel was going to be<br/> 8 announced as the new felony prosecutor, yes, I remember<br/> 9 ending that year knowing that here we go again. Once<br/> 10 again, here we go again. Because I'd already watched it<br/> 11 in many of the other promotions before that one, but I<br/> 12 sat in my bed that year and cried.<br/> 13 Q. Okay.<br/> 14 A. Knowing that it was going to happen, but<br/> 15 waiting for the opportunity that I could then speak up<br/> 16 or do something about it. Because it had happened prior<br/> 17 to that, it had -- and I -- I knew it when I saw -- when<br/> 18 I saw the pattern and knew that we had a -- a nearly<br/> 19 patterned progress in the office, a nearly patterned<br/> 20 experience, that I -- I couldn't distinguish us from --<br/> 21 like she's been in criminal, she's been in CPS. I was<br/> 22 in criminal, I've been in CPS. And I was in criminal.<br/> 23 I couldn't distinguish the two, but when I<br/> 24 saw it happen, I was -- I was -- I knew that everything<br/> 25 else that had transpired before was leading to that</p> <p style="text-align: right;">Page 296</p>   |
| <p>1 A. The --<br/> 2 MR. RAESZ: She's already testified to<br/> 3 frustration, anger, disappointment and --<br/> 4 MR. JOHNSON: Well, there's -- there's not<br/> 5 anything in the record on that, because it wasn't<br/> 6 responsive. And you can't -- and object and decide --<br/> 7 what, are you going to coach her?<br/> 8 MR. RAESZ: No. I'm just saying that we --<br/> 9 MR. JOHNSON: Why don't you -- do you want<br/> 10 to take a few minutes to go talk to her a little bit<br/> 11 about it, see if you can enhance her testimony, Chris?<br/> 12 MR. RAESZ: No. Actually, I want you to<br/> 13 quit asking the same question over and over and over.<br/> 14 That's what --<br/> 15 Q. (BY MR. JOHNSON) I'm entitled -- yeah, I'm<br/> 16 entitled to a full answer.<br/> 17 Describe all pain and suffering you contend<br/> 18 you --<br/> 19 MR. RAESZ: You're entitled to that.<br/> 20 Q. (BY MR. JOHNSON) -- have suffered from as a<br/> 21 result of the promotions that you claim -- you're<br/> 22 complaining about in this lawsuit.<br/> 23 We've got embarrassment and stress, in the<br/> 24 only thing that you've answered that's responsive?<br/> 25 A. If you want to ask me if I've been angry that I</p> <p style="text-align: right;">Page 295</p> | <p>1 moment so I could see it in -- in my face, so I could<br/> 2 know in my face that this was going to continue unless I<br/> 3 stood up to do something.<br/> 4 Q. Okay. Have you -- have you described all the<br/> 5 pain and suffering that you claim you have suffered as a<br/> 6 result of the promotions that you're complaining about<br/> 7 in this case?<br/> 8 A. There was also financial burdens that I mean --<br/> 9 Q. What financial burdens?<br/> 10 A. Well, I took a pay cut, but I was never able to<br/> 11 make it back up to what I initially -- I was making when<br/> 12 I was in CPS. I slowly started to receive the -- the --<br/> 13 the payment adjustments that we -- we get from the<br/> 14 county, but I don't think I ever made it back up to what<br/> 15 I took when I left the division.<br/> 16 Q. So you could have taken that felony promotion<br/> 17 or the juvi promotion in January of '16, would have<br/> 18 given you a pay increase, right? Right.<br/> 19 A. And I could have worked for Charlie and have --<br/> 20 and Allison and been in a very --<br/> 21 Q. I mean, if Charlie is incompetent, he wasn't<br/> 22 abusive. I mean, I don't get it.<br/> 23 A. No, but I didn't want to work with someone that<br/> 24 it was -- it was a -- a dead-end opportunity. One, it<br/> 25 was taking me also off of the felony track. There were</p> <p style="text-align: right;">Page 297</p> |



|  |  |
|--|--|
| <p>1 no other -- people inside the office, no one else -- no<br/> 2 one else seemed to be pursuing the -- the juvi position<br/> 3 from inside the office. They were outside hires.<br/> 4 Q. There are a number of people who have gone from<br/> 5 juvi to felony.<br/> 6 A. That's correct.<br/> 7 Q. All right. So the -- the fact that you're like<br/> 8 it's a -- it's a dead-end street, that's not true, is<br/> 9 it? In fact, you would have been trying felony --<br/> 10 you've already testified you would have been trying<br/> 11 felony cases in that juvi position --<br/> 12 MR. RAESZ: Object to form.<br/> 13 Q. (BY MR. JOHNSON) -- correct?<br/> 14 A. Which would mean that they -- they believe that<br/> 15 I have the ability to try a felony.<br/> 16 Q. (BY MR. JOHNSON) That's not the point. That's<br/> 17 not the point.<br/> 18 A. If they were going to put me in a court where I<br/> 19 would be trying felonies, that would -- I would believe<br/> 20 that that's a statement that they believed I was<br/> 21 capable.<br/> 22 Q. That's fine. But, I mean, didn't we already<br/> 23 establish that it's Denton's responsibility to put the<br/> 24 most qualified person on the job?<br/> 25 MR. RAESZ: Object to form.</p> <p style="text-align: right;">Page 298</p> | <p>1 Q. All right.<br/> 2 A. Did you -- is this my -- there was handwriting<br/> 3 on one of the pages, so I didn't know.<br/> 4 Q. Yeah.<br/> 5 MR. JOHNSON: All right. Let's do this.<br/> 6 Let me have that back. Let's do this. I'm going to<br/> 7 take out page -- okay. I need page 6. Can I get --<br/> 8 let's go off the record for a minute.<br/> 9 THE VIDEOGRAPHER: Off the record at 5:40.<br/> 10 (Break taken from 5:40 p.m. to 5:46 p.m.)<br/> 11 THE VIDEOGRAPHER: We're back on the record<br/> 12 at 5:46.<br/> 13 Q. (BY MR. JOHNSON) Ms. Boldware, we were<br/> 14 reviewing Plaintiff's expert disclosure, Exhibit 37. Is<br/> 15 this a true and correct copy of your expert disclosure<br/> 16 of this lawsuit?<br/> 17 A. Yes, sir.<br/> 18 Q. And it lists Dale Bossio as your economist; is<br/> 19 that correct?<br/> 20 A. That's correct.<br/> 21 Q. And that's the only expert you've identified in<br/> 22 this lawsuit?<br/> 23 A. Yes, sir.<br/> 24 Q. And so, if you would turn to page 3 of 7,<br/> 25 please, where it says lost back pay and lost front pay,</p> <p style="text-align: right;">Page 300</p>    |
| <p>1 Q. (BY MR. JOHNSON) And not just because of their<br/> 2 skin color or because they're upset because they can't<br/> 3 get over a lawsuit that they lost?<br/> 4 A. The law -- the lawsuit happened surrounding a<br/> 5 person of color, where someone made a comment to a<br/> 6 person of color as their -- as their audience.<br/> 7 Q. Yeah, we get -- we get all that. I think that<br/> 8 seems to be a reoccurring theme.<br/> 9 All right. Let's --<br/> 10 MR. RAESZ: Object to the form.<br/> 11 Q. (BY MR. JOHNSON) I want to talk about -- your<br/> 12 damages are -- you can -- the way your damages are<br/> 13 calculated is by comparing your salary history to Paul<br/> 14 Hiemke's salary history; is that correct?<br/> 15 A. That -- for the -- basically, yes. That's one<br/> 16 of the --<br/> 17 Q. Well, there's no one else identify -- well,<br/> 18 let's get your expert report out. Make sure we're<br/> 19 100 percent clear here. All right. Let me show you<br/> 20 Plaintiff's -- oh, wrong one. Hold on. Sorry, it's<br/> 21 getting late.<br/> 22 (Exhibit 37 marked.)<br/> 23 Q. (BY MR. JOHNSON) Is that a true and correct<br/> 24 copy of your expert disclosures in this case?<br/> 25 A. Yes, sir.</p> <p style="text-align: right;">Page 299</p>              | <p>1 do you see that section?<br/> 2 A. I'm sorry, some of these are out of order.<br/> 3 Q. Well, they shouldn't be out of order. Excuse<br/> 4 me for reaching, but I'm going to try to get you there<br/> 5 so we can move on here. All right. It's page 3 of 7 of<br/> 6 this report.<br/> 7 A. Okay.<br/> 8 Q. Are you with me?<br/> 9 A. Yes.<br/> 10 Q. All right. And so in the first paragraph under<br/> 11 roman numeral IV, it says -- that line -- from -- the<br/> 12 fourth line from the bottom, it says, "She contends that<br/> 13 she is as qualified to attain a felony prosecutor<br/> 14 position as Mr. Hiemke, correct?<br/> 15 A. Yes.<br/> 16 Q. "And similarly qualified with respect to other<br/> 17 attorneys who have been promoted into a felony<br/> 18 prosecutor position."<br/> 19 Did I see that -- read that correctly?<br/> 20 A. Yes.<br/> 21 Q. Okay. And that's your contention in this<br/> 22 lawsuit, correct?<br/> 23 A. Yes, sir.<br/> 24 Q. And then it says you requested that I use Mr.<br/> 25 Hiemke's pay rate as the rate Ms. Boldware would have</p> <p style="text-align: right;">Page 301</p> |

Nadiya Williams-Boldware - June 19, 2018

Job No. 2915194

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## CHANGES AND SIGNATURE

WITNESS NAME: NADIYA WILLIAMS-BOLDWARE DATE: 6/19/18

PAGE LINE CHANGE REASON

|     |    |                      |            |
|-----|----|----------------------|------------|
| 6   | 11 | RENEE → BRUNA        | TYPO       |
| 13  | 6  | SHERMAN → GREENVILLE | WRONG TOWN |
| 28  | 13 | DEALY → DAILY        | TYPO       |
| 45  | 13 | GOLD → GOAL          | TYPO       |
| 47  | 21 | THAT → THE           | TYPO       |
| 62  | 11 | CHILD → TRIAL        | TYPO       |
| 63  | 23 | AT → FOR             | TYPO       |
| 69  | 7  | IT → I               | TYPO       |
| 88  | 5  | CLIENT → CLIMATE     | TYPO       |
| 113 | 10 | WHICH → WHEN         | TYPO       |
| 121 | 24 | WOULDN'T → WOULD     | TYPO       |
| 173 | 1  | CHANGED → CHANGES    | TYPO       |
| 178 | 8  | THAT → THE           | TYPO       |
| 250 | 1  | ANYBODY → ANY ONE    | TYPO       |
| 250 | 4  | OUR → OFFICE         | TYPO       |
| 281 | 3  | IS → IF              | TYPO       |

Page 315

Nadiya Williams-Boldware - June 19, 2018

Job No. 2915194

1 I, NADIYA WILLIAMS-BOLDWARE, have read the  
2 foregoing deposition and hereby affix my signature that  
3 same is true and correct, except as noted above.  
4

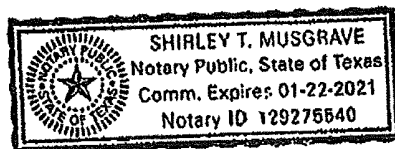
*Nadiya Boldware*  
NADIYA WILLIAMS-BOLDWARE

5  
6 State of Texas  
7 County of Denton  
8  
9

10 This instrument was  
11 acknowledged before me on this the  
12 3rd day of August, 2018 by  
13 Nadiya Williams-Boldware  
14

15 Personally Known as identification  
16

17 *Shirley T. Musgrave*  
18 Shirley T. Musgrave  
19 Notary Public, State  
20 of Texas  
21  
22



Page 316



Nadiya Williams-Boldware - June 19, 2018

Job No. 2915194

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

NADIYA WILLIAMS-BOLDWARE, )  
)  
Plaintiff, )  
) CIVIL ACTION

VS. )  
) NO.:  
) 4:17-CV-00859-ALM-KPJ

DENTON COUNTY, TEXAS, )  
)  
Defendant. )

REPORTER'S CERTIFICATION  
DEPOSITION OF NADIYA WILLIAMS-BOLDWARE  
JUNE 19, 2018

I, Claudia White, Certified Shorthand Reporter in  
and for the State of Texas, hereby certify to the  
following:

That the witness, NADIYA WILLIAMS-BOLDWARE, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

I further certify that pursuant to Federal Rules of Civil Procedure, Rule 30(e)(1)(A) and (B) as well as Rule 30(e)(2) that the signature of the deponent:

\_X\_ was requested by the deponent and/or a party  
 before completion of the deposition and is to be  
 returned within 30 days from date of receipt of the  
 transcript. If returned, the attached Changes and

Page 317

Nadiya Williams-Boldware - June 19, 2018

Job No. 2915194

1 Corrections and Signature pages contain any changes and  
2 the reasons therefor;

3 \_\_\_\_ was not requested by the deponent and/or a  
4 party before the completion of the deposition.

5 That \$\_\_\_\_\_ is the deposition officer's charges  
6 for preparing the original deposition transcript and any  
7 copies of exhibits, charged to DEFENDANT;

8 That pursuant to information given to the  
9 deposition officer at the time said testimony was taken,  
10 the following includes counsel for all parties of  
11 record:

12 FOR THE PLAINTIFF:

13 Mr. Chris Raesz, Esq.

CHRIS RAESZ, P.C.

14 306 North Carroll Boulevard

Denton, Texas 76201

15 (940) 380-9505

chrisraeszpc.com

16  
17 FOR THE DEFENDANT:

18 Mr. Hunter Johnson, Esq.

CONSTANGY, BROOKS, SMITH & PROPHETE, LLP

1201 Elm Street

19 Suite 2550

Dallas, Texas 75270

20 (214) 646-8625

hjohnson@constangy.com

21  
22 I further certify that I am neither counsel for,  
23 related to, nor employed by any of the parties or  
24 attorneys in the action in which this proceeding was  
25 taken, and further that I am not financially or

Page 318

Nadiya Williams-Boldware - June 19, 2018

Job No. 2915194

1 otherwise interested in the outcome of the action.

2 Certified to by me this 29th day of June, 2018.

3  
4  
5 

6 Claudia White

Texas CSR No. 8242

7 Expiration Date: 12/31/2018

VERITEXT LEGAL SOLUTIONS

8 Veritext Registration No. 571

300 Throckmorton, Suite 1600

9 Fort Worth, Texas 76102

(817) 336-3042 (800) 336-4000

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
  
Page 319

Veritext Legal Solutions  
800-336-4000

Page 106

1 Office in Denton, Texas.  
 2 Q. How long have you been employed there?  
 3 A. This past February 28th, it was five years.  
 4 Q. Okay. And you were licensed to practice law in what  
 5 year?  
 6 A. 2006.  
 7 Q. Okay. And what law school did you attend?  
 8 A. Tulane Law School.  
 9 Q. You've had prior jobs before coming to the district  
 10 attorney's office, correct?  
 11 A. Yes, I have.  
 12 Q. All right. But your first job as an attorney, a  
 13 licensed attorney, that was for the Denton County District  
 14 Attorney's Office, correct?  
 15 A. Yes.  
 16 Q. Okay. And could you tell the jury what jobs you've  
 17 held while being employed for the Denton County District  
 18 Attorney's Office.  
 19 A. I was hired as a misdemeanor prosecutor, and while in  
 20 the Denton DA's office, I've gone from the misdemeanor  
 21 division and then to the CPS division. There was a short  
 22 stint, it's still considered misdemeanor, but I was in the  
 23 family violence unit. Still considered misdemeanor, but I  
 24 have a -- kind of a double supervisor situation at that time  
 25 as well.

Page 107

1 Q. So we'll come back to --  
 2 THE COURT: Excuse me. Just for record  
 3 purposes, would you state for the record what "CPS" means.  
 4 THE WITNESS: Child Protective Services.  
 5 THE COURT: Go ahead.  
 6 MR. RAESZ: Thank you, Judge.  
 7 Q. (BY MR. RAESZ) We'll come back to the supervisor  
 8 issue. Right now, I'd like you to give the jury some idea  
 9 what the normal progression is from a beginning misdemeanor  
 10 prosecutor to a felony position.  
 11 A. You come in as a misdemeanor. You're a II in the  
 12 court. There's three misdemeanor prosecutors assigned to a  
 13 court, one being a chief that you report to directly and the  
 14 two others work as the lower echelon attorneys. We -- there  
 15 are five county courts and you rotate in between the five  
 16 misdemeanor county courts. You can change the court chief  
 17 that you respond to or you work with, you can change the other  
 18 second that you work with, because ultimately you're exposed  
 19 to all of your coworkers and all of the individuals in the  
 20 misdemeanor section.  
 21 You -- while you're in misdemeanor, you have  
 22 some JP responsibilities, meaning Justice of the Peace court  
 23 responsibilities, dealing with traffic tickets or Class C-type  
 24 offenses. There's a special misdemeanor court that's carved  
 25 out for family violence, and you -- that's normally not the

Page 108

1 court that you re- -- or that you're assigned to right off the  
 2 bat when you're a newer prosecutor, but eventually, most  
 3 people matriculate through that court as well for the  
 4 experience of working with that division.  
 5 Q. Okay. Matriculate, that's sort of a big word.  
 6 Let's -- what does that mean?  
 7 A. It -- you rotate through that court.  
 8 Q. After you've gained experience?  
 9 A. Usually it's after you've gained some sort of  
 10 experience in the misdemeanor division.  
 11 Q. And then, at some point, do you move from the lower  
 12 misdemeanor prosecutor to the chief position in misdemeanor  
 13 court?  
 14 A. Yes, sir. After -- people either have to leave and  
 15 be transferred up the chain to felony courts or they go out on  
 16 their own -- do something different. But there is kind of a  
 17 seniority-type basis. You look -- look to see who's been  
 18 there the longest, and those people rotate through being  
 19 assigned a chief of a court.  
 20 Q. And at some point, it would -- it would require a  
 21 vacancy for someone to move from misdemeanor to felony,  
 22 correct?  
 23 A. Yes, sir.  
 24 Q. All right. Now, when you took the job initially at  
 25 the Denton County District Attorney's Office, it -- was it

Page 109

1 your intention to move through that track from the lower  
 2 misdemeanor up to felony?  
 3 A. That was the career path that I had anticipated for  
 4 myself and that was the direction that I had planned on  
 5 taking, yes.  
 6 Q. All right. And then the -- at some point -- there's  
 7 actually some higher positions than the felony prosecutors in  
 8 the supervisor realm, correct?  
 9 A. Yes.  
 10 Q. All right. Did you ever have any intention to go  
 11 into the supervisor area?  
 12 A. I mean, that's definitely a lofty dream, but that --  
 13 I mean, that's the direction that I -- you head on. You come  
 14 into misdemeanor -- at least I did. You come into  
 15 misdemeanor. I wanted the supervisor -- supervisory  
 16 experience. I wanted to become a misdemeanor chief. I wanted  
 17 to matricu- -- I wanted to progress up the chain of that  
 18 advancement.  
 19 Q. Okay. And that's -- that's -- for normal, everyday  
 20 prosecutors, this is how the progression works, correct?  
 21 A. Yes, sir.  
 22 Q. Okay. And since this is your only job in the  
 23 district attorney field, do you have any idea if that's the  
 24 norm in the industry?  
 25 A. I wouldn't be able to speak on how they do it in

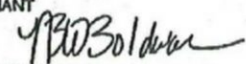
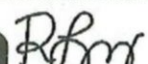
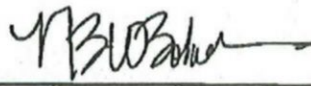
28 (Pages 106 to 109)

74789e6e-97bc-4213-8606-5a41ec5c5b57

PENGAD 800-631-8888

DEPOSITION  
EXHIBIT  
3

EEOC Form 5 (11/09)

|  |  |   |                               |
|--|--|---|-------------------------------|
| <b>CHARGE OF DISCRIMINATION</b>  |  | Charge Presented To: Agency(ies) Charge No(s):  |                               |
| This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.  |  | <input type="checkbox"/> FEPA<br><input checked="" type="checkbox"/> EEOC   |                               |
| <b>Texas Workforce Commission Civil Rights Division</b>  |  | <b>450-2017-03110</b>   |                               |
| State or local Agency, if any  |  |   |                               |
| Name (Indicate Mr., Ms., Mrs.)   |  | Home Phone (Incl. Area Code)  | Date of Birth                 |
| <b>Ms. Nadiya B. Williams-Boldware</b>   |  | <b>(972) 542-8542</b>   | <b>1976</b>                   |
| Street Address   |  | City, State and ZIP Code  |                               |
| <b>5399 Conestoga, Fairview, TX 75069</b>  |  |   |                               |
| Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)   |  |   |                               |
| Name   |  | No. Employees, Members  | Phone No. (Include Area Code) |
| <b>DENTON COUNTY DISTRICT ATTORNEY'S OFFICE</b>  |  | <b>101 - 200</b>  | <b>(940) 349-2600</b>         |
| Street Address   |  | City, State and ZIP Code  |                               |
| <b>1450 E. McKinney Street, Denton, TX 76209</b>   |  |   |                               |
| Name   |  | No. Employees, Members  | Phone No. (Include Area Code) |
|  |  |   |                               |
| Street Address   |  | City, State and ZIP Code  |                               |
|  |  |   |                               |
| DISCRIMINATION BASED ON (Check appropriate box(es).)   |  | DATE(S) DISCRIMINATION TOOK PLACE   |                               |
| <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN<br><input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION<br><input type="checkbox"/> OTHER (Specify) |  | Earliest    Latest<br><b>01-03-2017    01-03-2017</b><br><input type="checkbox"/> CONTINUING ACTION   |                               |
| THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).  |  |   |                               |
| <b>I. PERSONAL HARM:</b><br><br>On or about September 2016, I applied for multiple positions for Assistant District Attorney Office.<br>On or about January 3, 2017, I was denied any positions that I applied for.  |  |   |                               |
| <b>II. RESPONDENT'S REASON FOR ADVERSE ACTION:</b><br>No reason was given.   |  |   |                               |
| <b>III. DISCRIMINATION STATEMENT:</b><br><br>I believe that I was discriminated against because of my race (African-American), in violation of Title VII of the Civil Rights Act of 1964, as amended. I believe that I was retaliated against in violation of Section 704(a) of Title VII of the Civil Rights Act of 1964, as amended.   |  |   |                               |
| I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.<br>I declare under penalty of perjury that the above is true and correct.  |  | NOTARY -- When necessary for State and Local Agency Requirements<br><br>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.<br>SIGNATURE OF COMPLAINANT<br><br>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE<br>(month, day, year)<br> |                               |
| Jul 03, 2017<br>Date   |  | Charging Party Signature<br>   |                               |

PENGAD 800-631-6389

 DEPOSITION  
 EXHIBIT  
 4

 CONFIDENTIAL  
 DENTON 00187



## INTERVIEW NOTES

CHARGE # 450-2017-03110N

DATE: 6/19/2017

PERSON INTERVIEWED: Nadiya B. Williams

MANNER OF INTERVIEW: In Person

LOCATION OF INTERVIEW: Intake

INTERVIEWER: Angel M Padilla

CP began working for Denton County District Attorney's Office in February 28, 2007, as an Assistant District Attorney. PCP's current position is in the intake department. PCP is alleging being discriminated against based on her race (African-American), and retaliated against. PCP began by saying that she had filed a previous race discrimination charge which she filed in court and won. PCP said that the allegation was a comment made by a felony prosecutor, who said that "he believed that the defendant should have been lynched." PCP said that the decision was overturned at the appellate court, and a writ was filed with the Supreme Court who declined the motion on January 2014. PCP also stated that in March 2013 while giving birth to her child she had an amniotic fluid embolism. PCP said that she lost her memory, and had to learn to walk and talk again. PCP returned to work on March 4, 2013 without any restrictions. PCP said that her supervisor wanted to move her to Child Protective Services, and she asked to stay in her current position. PCP said that she felt the actions by Allison Sartin and Karin Qualls were to make her quit. PCP said that her competence was questioned by the judge in her first trial after returning to work. PCP said that she has applied for at least three positions to become a Felony Chief. PCP said that approving official for those positions is Paul Johnson, who failed to take action on her initial complaint of race discrimination. PCP said that in January 3, 2017, she applied for a Felony Chief position and it was given to Rachael Nichols who has half the seniority she has. PCP said that Nichols carrier positions are identical to hers. PCP said that her evaluations are all positive, except the one written by Kim Qualls which is average. Qualls gave PCP lower points without any justification. PCP was advised of her right to file, and advised that even if the commission finds caused, it would be up to the Department of Justice to file suit if conciliation failed. PCP decided to talk to an attorney before filing. PCP declined to file.

(b)(5)

Angel M Padilla

